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IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

HEARINGS

BEFORE THE

SENATE IMPEACHMENT TRIAL COMMITTEE UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

ON

THE ARTICLES OF IMPEACHMENT AGAINST JUDGE G. THOMAS PORTEOUS, JR., A JUDGE IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

November 16, 2010

Volume 3 of 3, Part C

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Volume 3 of 3, Part C
VIII. EXHIBITS ADMITTED
(IN NUMERICAL ORDER)

1866

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2004 MAR 18 PM 12:00
LORETTA G. WHYTE
CLERK

U.S. Department of Justice

Eastern District of Louisiana
U. S. Attorney's Office

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Organized Crime Strike Force

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Telephone #. (504) 680-3103
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February 20, 2004

The Honorable George P. Kazen
United States District Judge
Southern District of Texas
1300 Matamoros Street
Laredo, Texas 78040

Re: United States v. Louis M. Marcotte
Criminal Docket No. 04-061 GPK

Dear Judge Kazen:

In compliance with the holding of Bryan v. United States, 492 F.2d 775 (1974) and with Rule 11 of the Federal Rules of Criminal Procedure, the Government wishes to acknowledge the following agreement between the United States of America and Louis M. Marcotte, the defendant in the above-captioned proceeding. Defendant's undersigned counsel has reviewed the terms of this Agreement; counsel for Marcotte has been advised by the defendant that the defendant fully understands the terms of this agreement.

A. THE CHARGES

The Government has agreed that the defendant will be charged in a Bill of Information with one count of conspiracy to violate the Racketeering Influenced and Corrupt Organizations Act ("RICO") in violation of 18 U.S.C. § 1962, premised upon predicate crimes of: a) mail fraud involving the deprivation of the honest services of public officials in violation of Title 18 U.S.C. § § 1341 and 1346; and b) public bribery in violation of Louisiana State Law. The Government has further agreed that it will allow the defendant to plead guilty to this charge if this agreement is accepted by the Court and that it will not bring any other criminal charges against the defendant in the Eastern District of Louisiana regarding activities which relate to the defendant's participation in the activities set forth in the Bill of Information, or which are disclosed to the Government in the defendant's cooperation with the Government in response to questions they pose.

— Fee
— Process
X Dktd
— CtRmDep
— Doc. No. 17

HP Exhibit 71(b)

As further consideration for defendant Louis Marcotte's guilty plea, the Government agrees that it will not bring any charges against Lisa Marcotte which relate to her participation in the activities set forth in the Bill of Information, or which are disclosed to the Government in Lisa Marcotte's cooperation with the Government, provided Lisa Marcotte agrees to cooperate fully and submit to a permanent revocation of any bail bond license she may hold.

The Government further agrees that it will not bring any charges against Reggie Marcotte which relate to his participation in the activities set forth in the Bill of Information, or which are disclosed to the Government in Reggie Marcotte's cooperation with the Government, provided Reggie Marcotte: a) agrees to cooperate fully; b) submits to a permanent revocation of any bail bond license he may hold, and c) successfully participates in a Pre-Trial Diversion supervised by the United States Pre-Trial Services Office.

The defendant agrees to plead guilty to a Bill of Information, and waives his right to be charged in any other fashion.

The parties stipulate that the defendant's total offense level is 25, his criminal history category is I, and his sentencing guideline range is 57 to 71 months, as determined by the United States Sentencing Guidelines ("USSG") (2002 edition). The parties have made this determination after due consideration of the appropriate sentencing guidelines and all appropriate sentencing adjustments. Therefore, the parties stipulate that defendant should be sentenced to between 57 to 71 months imprisonment. The parties further stipulate pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), that in the event this plea agreement is accepted by the Court, this stipulation is binding.

In the event the Court does not accept this stipulation and states that a sentence in excess of 71 months is justified, pursuant to Federal Rule of Criminal Procedure 11(c)(5), defendant shall be afforded the opportunity to withdraw from the plea. In the event the Court does not accept this stipulation and states that for reasons other than as provided by Paragraph G of this Plea Agreement relating to substantial assistance a sentence of less than 57 months is justified, the Government shall be afforded the opportunity to withdraw from the plea.

B. MAXIMUM PENALTIES

The defendant further understands that the statutory maximum penalty is a term of imprisonment of up to twenty years and/or a fine of $250,000 or an alternative fine of twice the gross gain to the defendant or twice the gross loss to any victim.

The parties acknowledge, however, that defendant will forfeit the sum of $250,000.00 as enumerated in paragraph H, and that this sum should be given consideration by the Court towards satisfying defendant's fine obligation, if any. The parties acknowledge that neither this nor any other recommendation to the Court as to sentencing binds the Court.

It also is understood that the Court must order restitution to any victim in this case under the provisions of 18 U.S.C. § 3663, if the Court finds it appropriate to do so. The defendant agrees that any restitution imposed will be non-dischargeable in any bankruptcy proceeding and that defendant will not seek or cause to be sought a discharge or a finding of dischargeability as to the restitution obligation.

C. SPECIAL ASSESSMENT

Further, the defendant understands that a mandatory special assessment fee of $100 per count shall be imposed under the provisions of 18 U.S.C. § 3013. This special assessment must be paid on the date of sentencing.

D. SUPERVISED RELEASE TERM

The defendant further understands that the Court, in imposing a sentence of a term of imprisonment, may include as part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment for a period of up to three years pursuant to 18 U.S.C. § 3583. Supervised release is a period following release from prison during which defendant's conduct will be monitored by the Court or the Court's designee. Defendant fully understands that if defendant violates any of the conditions of supervised release that the Court has imposed, defendant's supervised release may be revoked and defendant may be ordered by the Court to serve in prison all or part of the term of supervised release.

E. WAIVER OF APPEAL

Except as otherwise provided in this paragraph, the defendant hereby expressly waives the right to appeal his sentence on any ground, including but not limited to any appeal right conferred by 18 U.S.C. § 3742 on the defendant, and the defendant further agrees not to contest his sentence in any post-conviction proceeding, including but not limited to a proceeding under 28 U.S.C. § 2255. The defendant, however, reserves the

right to appeal the following: (a) any punishment imposed in excess of the statutory maximum, and (b) any punishment to the extent it constitutes an upward departure from the appropriate sentencing guidelines.

F. HYDE AMENDMENT

The defendant agrees to waive any right to seek attorney's fees and/or litigation expenses under the "Hyde Amendment," 18 U.S.C. § 3006A and the defendant acknowledges that the Government's position in the instant prosecution was not vexatious, frivolous or in bad faith.

G. DEFENDANT'S FULL AND TRUTHFUL COOPERATION

This plea agreement is predicated upon the fact that the defendant agrees to submit to interviews whenever and wherever reasonably requested by law enforcement authorities. The defendant understands he must be completely truthful. The defendant also agrees to appear before any grand jury or trial jury and to testify truthfully. The defendant agrees neither to implicate anyone falsely nor to exculpate or protect anyone falsely. The defendant understands if he is not truthful, or withdraws from, or materially breaches this Agreement, said Agreement will be null and void, and notwithstanding any other provision of this agreement, the defendant may be prosecuted for perjury or making false statements, as well as any other appropriate charges and any statements he has made can be used against him. Defendant further acknowledges that the aforementioned penalties apply fully to any material misrepresentation or omission in the Financial Statement he is obligated to provide pursuant to the provisions of paragraph H, infra.

The defendant further agrees, subject to Court approval, to a delay of his sentencing date until the completion of his cooperation, including his testimony in any trial(s).

In consideration of the defendant's willingness to acknowledge his guilt and accept responsibility for his wrongful conduct in compliance with the aforementioned conditions, the Government agrees that it will do the following:

1. The Government will bring to the attention of all federal courts, prosecutors and Probation Officers of any cooperation rendered to law enforcement by the defendant. However, the defendant's cooperation does not automatically require the Government to request a departure from the sentencing guidelines for substantial assistance to the Government. That decision will be made by the Government, in its sole discretion, after it evaluates the cooperation. If the Government decides to file a motion that the Court may depart pursuant to USSG § 5K1.1 of the sentencing guidelines, the Government will file a motion at a time determined by the Government,

and only after the Government evaluates the entire cooperation of the defendant. The defendant understands the motion could be filed prior to or at sentencing. After sentencing, any such motions would be governed by Rule 35 of the Federal Rules of Criminal Procedure.

2. The Government also agrees that any statements or testimony given by the defendant, as of and after the date of this letter, pursuant to questions asked by law enforcement agents or prosecutors as a result of this agreement, will not be used against him, including in connection with sentencing under USSG § 1B1.8. However, all parties understand that the United States may make derivative use of such statements or testimony and may pursue investigative leads therefrom, and will not be required at any time to prove an independent source at any Kastigar or other hearing held thereon. This agreement not to use statements or testimony does not apply to crimes of violence. Further, the defendant fully understands that should he commit perjury or give false statements to federal agents, such statements and testimony can be used, and he faces additional charges involving false statements and perjury.

H. FORFEITURE

The defendant agrees to forfeit and give to the United States prior to the date of sentencing any right, title and interest which the defendant may have in any assets or interest in assets, including the property commonly known as the "Blue House," 217 Derbigny Avenue, Gretna, Louisiana, or at the sole discretion of the Government, the fair market value of said property, plus an additional sum in cash necessary to result in a total forfeiture to the Government of $250,000. To the extent that any forfeiture, are paid by Lori Marcotte, the amount of any such payments will reduce the total forfeiture owed by defendant. The Government agrees that out of the forfeited sums, it will consider for reimbursement bona fide claims of legitimate Governmental entities and regulatory agencies for sums adjudged as owed to them by defendant and/or Bail Bonds Unlimited, Inc.

The defendant further agrees to submit to interviews whenever and wherever requested by law enforcement authorities regarding all assets within his possession or those assets transferred or sold to or deposited with any third party as outlined within the preceding paragraph. It is also understood that defendant will fully cooperate in providing any and all financial information and documentation, agrees to voluntarily execute a complete , accurate, and thorough Financial Statement, Form OBD-500 within 90 days.

I. MISCELLANEOUS PROVISIONS

1. The defendant agrees to surrender immediately his bail bond and other insurance licenses issued by the State of Louisiana and any other state and/or agree to permanent revocation of said licenses.

2. The defendant further agrees that following a reasonable period of time not to exceed ninety days, as determined by the Louisiana Commissioner of Insurance, to liquidate and wind down the affairs of Bail Bonds Unlimited, Inc. The defendant further agrees that he will never engage in the bail bonding business.

3. The aforementioned period of time to liquidate and wind down the affairs of BBU is intended to allow for an orderly disposition of assets, the administration of pending bail bonds, and the capture of any fugitives. Under no circumstances will the defendant write any new bail bonds whatsoever in perpetuity, directly or indirectly.

4. Defendant reserves his right to litigate all civil disputes with Amwest and/or its successors in interest.

PLEA AGREEMENT LOUIS MARCOTTE
Page 7

J. NO SIDE AGREEMENTS

The defendant understands that the statements set forth above represent defendant's entire agreement with the Government. There are not any other agreements, letters, or notations that will affect this agreement.

Very truly yours,

JIM LETTEN
United States Attorney

MICHAEL W. MAGNER
Assistant United States Attorney

SALVADOR PERRICONE
Assistant United States Attorney

WILLIAM P. GIBBENS
Assistant United States Attorney

MICHAEL M. SIMPSON
Assistant United States Attorney

Richard Westling, Esq.
Attorney for the Defendant

Martin Regan
Attorney for the Defendant

Louis M. Marcotte
Defendant

3/2/04
DATE

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2004 MAR 18 PM 12:00
LORETTA G. WHYTE
CLERK

U.S. Department of Justice

Eastern District of Louisiana
U. S. Attorney's Office

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March 18, 2004

The Honorable George P. Kazen
United States District Judge
Southern District of Texas
1300 Matamoros Street
Laredo, Texas 78040

Re: United States v. Louis M. Marcotte
Criminal Docket No. 04-061 GPK

Dear Judge Kazen:

In compliance with the holding of Bryan v. United States, 492 F.2d 775 (1974) and with Rule 11 of the Federal Rules of Criminal Procedure, the Government wishes to acknowledge the following addendum to the plea agreement between the United States of America and Louis M. Marcotte, the defendant in the above-captioned proceeding.

K. PROSECUTION BY JEFFERSON PARISH DISTRICT ATTORNEY

The parties acknowledge that as reflected by the attached correspondence from the United States Attorney dated March 9, 2004 and from the District Attorney for the Parish of Jefferson, State of Louisiana dated March 17, 2004, that the District Attorney has agreed to forego prosecution of the defendant to the extent expressly stated by the District Attorney.

Very truly yours,

JIM LETTEN
United States Attorney

MICHAEL W. MAGNER
Assistant United States Attorney

___ Fee
___ Process
X Dktd
✓ CtRmDep
___ Doc. No. 18

HP Exhibit 71(c)

SALVADOR PERRICONE
Assistant United States Attorney

WILLIAM P. GIBBENS
Assistant United States Attorney

MICHAEL M. SIMPSON
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Richard Westling, Esq.
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Martin Regan
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Louis M. Marcotte
Defendant

March 18th 2004
DATE

U.S. Department of Justice

Eastern District of Louisiana
U. S. Attorney's Office

Jim Letten
United States Attorney

Hale Boggs Federal Building
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New Orleans, LA 70130

Telephone # : (504) 680-3000
Fax # : (504) 589-4978

March 9, 2004

Honorable Paul Connick
District Attorney
Parish of Jefferson
200 Derbigny Street
Gretna, Louisiana 70053

Re: United States v. Louis M. Marcotte and Lori Marcotte

Dear Mr. Connick:

We understand that counsel for Louis Marcotte and Lori Marcotte have requested that you agree to forebear prosecution against their clients in your jurisdiction for the crimes and conduct arising out of the federal investigation of their activities in operating Bail Bonds Unlimited, Inc. We have no objection to your agreeing to do so, and, in fact, request that you defer to this office in this regard.

More specifically, we ask that you agree to forego state prosecution of Louis Marcotte and Lori Marcotte for conduct relating to their participation in the activities set forth in the Bill of Information, or which are disclosed to federal authorities in the course of the Marcottes' cooperation with federal authorities. Any such agreement on your part would, of course, not extend to crimes of violence.

As always, we greatly appreciate your substantial assistance in achieving a just and successful resolution of this matter.

Respectfully,

JIM LETTEN
UNITED STATES ATTORNEY

PAUL D. CONNICK, JR.
DISTRICT ATTORNEY
TWENTY-FOURTH JUDICIAL DISTRICT
PARISH OF JEFFERSON
STATE OF LOUISIANA

STEPHEN T. WIMBERLY
FIRST ASSISTANT
DISTRICT ATTORNEY

COURTHOUSE ANNEX
GRETNA, LA 70053
PHONE: (504) 368-1020
FAX: (504) 368-4562

March 17, 2004

Honorable Jim Letten
United States Attorney
Hale Boggs Federal Building
500 Poydras Street, Second Floor
New Orleans, LA 70130

Re: United States v. Louis M. Marcotte and Lori Marcotte

Dear Mr. Letten:

I am in receipt of your letter of March 9, 2004 regarding the above referenced matter. Pursuant to your request, my office agrees to forego the prosecution of Louis Marcotte and Lori Marcotte for conduct relating to their participation in the activities set forth in the Bill of Information filed in this matter, or which is disclosed to federal authorities in the course of the Marcottes' cooperation with federal authorities. As you noted, this agreement does not extend to any crimes of violence.

Very truly yours,

PAUL D. CONNICK, JR.
DISTRICT ATTORNEY

PDCjr/jjs

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2004 MAR 18 PM 12:00
LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	**CRIMINAL NO: 04-061**
v.	*	**SECTION: "GPK"**
LOUIS M. MARCOTTE, III	*	

* * *

FACTUAL BASIS

If this case had gone to trial, the government would have proved the following beyond a reasonable doubt through competent evidence:

A. Bail Bonds Unlimited, Inc. (hereinafter "BBU") was a bail bonds company licensed and regulated by the Louisiana Department of Insurance (hereinafter "DOI") and engaged in the business of insurance, whose activities affected interstate commerce. From 1991 until 2004, BBU provided commercial surety bail bonds for individuals who had been arrested for crimes in Jefferson Parish, Louisiana and elsewhere. BBU was the largest bail bonding company in Jefferson Parish, Louisiana, with over ninety percent of the bail bond market.

B. **LOUIS M. MARCOTTE, III** (hereinafter "**MARCOTTE**") was a bail bond agent and the President of BBU.

C. **MARCOTTE**, BBU, and others comprised an enterprise, which engaged in, and the activities of which affected, interstate commerce. **MARCOTTE** and other individuals associated with the enterprise conspired together and with other persons to conduct and participate, directly or

___ Fee
___ Process
X Dktd
___ CtRmDep
___ Doc. No.

indirectly, in the conduct of the affairs of the enterprise through a pattern of Racketeering activity consisting of multiple acts involving public bribery and mail fraud.

D. The purpose of **MARCOTTE** and other individuals associated with the enterprise was to maximize BBU's and **MARCOTTE**'s own profits from writing bail bonds in Jefferson Parish and elsewhere through the corruption of and attempts to corruptly influence certain sheriff's deputies and judges and the defrauding of Amwest Surety Insurance Company (hereinafter "Amwest"), among other things. In particular, **MARCOTTE** and others would give and offer to give, directly or indirectly, things of value to public officers, including certain Jefferson Parish judges and sheriff's deputies, with the intent to influence the conduct of those public officers in relation to their position, employment, and duty.

E. In return for things of value given by **MARCOTTE** and BBU, certain Jefferson Parish judges would make themselves available to BBU; quickly respond to the requests of BBU; and set, reduce, increase, and split bonds to maximize BBU's profits, minimize BBU's liability, and hinder BBU's competition. Likewise, in return for things of value, certain Jefferson Parish Sheriff's Office (hereinafter "JPSO") Deputies gave BBU preferential treatment at the Jefferson Parish jail to maximize BBU's profits and hinder its competition.

F. In addition, **MARCOTTE** and others would use the United States mails and other private interstate carriers to process BBU bonds which had been corruptly obtained, to disguise cash payments as campaign contributions, and to defraud Amwest.

G. Moreover, **MARCOTTE** and others defrauded Amwest by using the mails and private interstate carriers to fraudulently obtain funds from the Build-up Fund (hereinafter "BUF"), an account which was to be used to reimburse Amwest for any bond forfeitures it paid on behalf of BBU relative to criminal defendants who failed to appear in court.

H. To accomplish the above mentioned goals, **MARCOTTE** and others committed and caused others to commit the following acts in the Eastern District of Louisiana, and elsewhere:

1. Corruption of Judge Ronald D. Bodenheimer

a. Beginning at a date unknown and continuing until in or about June 2002, **MARCOTTE** provided Judge Ronald D. Bodenheimer (hereinafter "Bodenheimer") with gifts, meals, and other things of value. In return, Bodenheimer was available to BBU; quickly responded to the requests of BBU; and set, reduced, increased, and split bonds to maximize BBU's profits, minimize BBU's liability, and hinder BBU's competition.

b. In or about July 1999, BBU paid for a hotel room and show tickets for Bodenheimer and his wife at a casino in Biloxi, Mississippi.

c. In or about March 2000, **MARCOTTE** hired Bodenheimer's daughter to work at BBU. In the Fall of 2001, at Bodenheimer's request, BBU began to pay for Bodenheimer's daughter's health insurance.

d. In or about April 2000, **MARCOTTE** hired Bodenheimer's stepson to work at BBU.

e. In or about June 2000, at a conference in Destin, Florida, a BBU employee chartered a boat trip for Bodenheimer, several other judges, and their families. During the same conference, **MARCOTTE** hosted a party for Bodenheimer and several other judges.

f. In or about 2000 and 2001, a relative of Bail Bondsman #1 provided free labor for repairs and renovations of Bodenheimer's home.

g. In October 2000, at BBU's request, Bodenheimer set a $25,000.00 bond for a defendant who had been arrested as a fugitive.

h. In October 2000, at BBU's request, Bodenheimer split two bonds on a defendant, reducing one from a $100,000.00 commercial bond into a $10,000.00 commercial bond

and a $90,000.00 personal surety bond. Bodenheimer reduced the other from a $200,000.00 commercial bond into a $20,000.00 commercial bond and a $180,000.00 personal surety bond.

i. On or about November 6, 2000, BBU began to pay for health insurance for Bodenheimer's son.

j. On or about April 6, 2001, **MARCOTTE** bought drinks and dinner for Bodenheimer, Judge A, several other judges, and several of the judges' family members at a casino in Biloxi, Mississippi.

k. In June 2001, at BBU's request, Bodenheimer set a $50,100.00 commercial bond and a $175,000.00 personal surety bond on a defendant for the offense of attempted first degree murder.

l. On or about October 21, 2001, at BBU's request, Bodenheimer set a $15,000.00 commercial bond on a defendant who was a fugitive from Texas. Notwithstanding the bond amount set by Bodenheimer, BBU charged the defendant for a $20,000.00 bond.

m. On or about October 29, 2001, at BBU's request, Bodenheimer split a $100,000.00 bond on a defendant who had been arrested for attempted second degree murder into a $25,000.00 commercial bond and a $75,000.00 personal surety bond.

n. On January 24, 2002, **MARCOTTE**, along with Bail Bondsman #1 and another BBU employee, bought lunch for Bodenheimer, Judge A, and another judge at a restaurant in Gretna, Louisiana, at a cost in excess of $300.00.

o. On March 11, 2002, **MARCOTTE** bought lunch and drinks for Bodenheimer and another judge at a restaurant in New Orleans at a cost in excess of $400.00.

p. Beginning in or about 2000 and continuing until in or about 2002, **MARCOTTE** discussed with Bodenheimer investment and/or partnership opportunities in several businesses. Some of these offers included financial arrangements in which **MARCOTTE** would disguise Bodenheimer's interest in the business venture.

q. Between September 2000 and June 2002, at BBU's request, Bodenheimer split approximately 350 bonds and set approximately 450 bonds.

2. Corruption of Judge A

a. Beginning on a date unknown and continuing until 2004, **MARCOTTE** provided Judge A with cash payments, gifts, meals, and other things of value. In return, Judge A was available to BBU; quickly responded to the requests of BBU; and set, reduced, increased, and split bonds to maximize BBU's profits, minimize BBU's liability, and hinder BBU's competition.

b. From a date unknown through 2001, BBU furnished parking spaces free of charge for Judge A's secretary and staff. In fact, on or about September 4, 2001, when an employee of another judge attempted to take two of Judge A's spaces, an employee of BBU reassured Judge A's secretary that **MARCOTTE** had given 4 parking spaces to Judge A's staff. Later that day, the BBU employee stated that **MARCOTTE** gave Judge A's staff the parking spaces because Judge A "is very good to us."

c. In April 2001, at BBU's request, Judge A set a $100,000.00 commercial bond and $250,500.00 personal surety bond for a defendant.

d. On or about September 14, 2001, a BBU employee called Judge A concerning a bond for a defendant. The BBU employee told Judge A that the defendant's family was able to post a $10,000.00 commercial bond. The defendant had been arrested on September 5, 2001 for drug and firearms charges. On September 17, 2001, Judge A split the defendant's bond into a $10,000.00 commercial bond and a $15,000.00 personal surety bond. After being released on the bond set by Judge A, the defendant was arrested on September 29, 2001 for bond violations and again on December 8, 2001 for possession and distribution of crack cocaine. On or about December

12, 2001, at the request of BBU, Judge A signed another bail order releasing the same defendant on an $8,000.00 commercial bond and a $22,000.00 personal surety bond.

e. In September 2001, a BBU employee called Judge A concerning a bond for a defendant. The BBU employee told Judge A that the defendant could afford a $5,000.00 commercial bond. Judge A set the bond that BBU requested, and the defendant was released later that evening.

f. On or about October 19, 2001, Bail Bondsman #1 and Judge A played golf together. During the golf game, a BBU employee called Bail Bondsman #1 to ask if Judge A would sign several bonds. Later that day, Judge A set a $125,000.00 commercial bond and a $396,500.00 personal surety bond for one defendant and a $10,000.00 commercial bond and a $10,000.00 personal surety bond for another defendant.

g. On October 21, 2001, **MARCOTTE** told Bail Bondsman #1, "I know we wrote a lot of freaking bail." Bail Bondsman #1 told **MARCOTTE**, "Friday out on the golf course with the judge [Judge A], I did about $250,000.00 for the uh, uh, Gretna house." Later in the conversation, Bail Bondsman #1 and **MARCOTTE** discussed giving Judge A cash but writing on the envelope "[Judge A] Campaign Fund." Although **MARCOTTE** stated that a cash gift was "completely legal," he further stated, "We need to watch . . . what we say on the phone 'cause we're saying, saying, ah, . . . I'm more worried about the office phone but maybe mine too . . . ." Bail Bondsman #1 then stated, ". . . what we saying, there ain't nothing wrong. I just want to make sure I can give cash. If a man asks for cash for his fundraiser, I want to give cash . . . ." **MARCOTTE** and Bail Bondsman #1 further discussed giving "five."

h. On October 22, 2001, at the direction of **MARCOTTE**, Bail Bondsman #1 gave Judge A $5,000.00 in cash. On October 23, 2001, Judge A deposited $1,500.00 in cash into his personal bank account. On October 31, 2001, Judge A deposited $720.00 in cash into his personal bank account.

i. On November 30, 2001, Judge A and Bail Bondsman #1 played golf together. The same day, Judge A set a $2,000.00 commercial bond for one defendant and a $20,000.00 commercial bond and a $60,000.00 personal surety bond for another defendant, all at the request of BBU.

j. On December 4, 2001, Bail Bondsman #1 bought lunch for Judge A at a restaurant in Gretna, Louisiana. The same day, at the request of BBU, Judge A set a $10,000.00 commercial bond and a $31,500.00 personal surety bond on a defendant.

k. On December 6, 2001, Bail Bondsman #1 bought lunch for Judge A at a restaurant in Gretna, Louisiana. The same day, at BBU's request, Judge A set a $30,000.00 commercial bond and a $110,000.00 personal surety bond on a defendant.

l. On December 18, 2001 BBU paid for a Christmas luncheon for Judge A's staff at a restaurant in New Orleans, Louisiana in an amount in excess of $700.00. BBU also furnished the liquor for another Christmas party hosted by Judge A.

m. On January 8, 2002, Bail Bondsman #1 and Judge A played golf together. The same day, at BBU's request, Judge A set a $25,000.00 commercial bond and a $33,000.00 personal surety bond for a defendant.

n. On February 12, 2002, Bail Bondsman #1 cashed out $200.00 from BBU for "entertainment" for Judge A. The next day, Bail Bondsman #1 and Judge A played golf in Pass Christian, Mississippi. On February 15, 2002, Judge A deposited $200.00 cash into his personal checking account.

o. On February 13, 2002, at the request of BBU, Judge A set a $4,000.00 commercial bond and a $6,000.00 personal surety bond for a defendant.

p. On April 3, 2002, in Judge A's chambers, Bail Bondsman #1 pulled an envelope containing $5,000.00 in cash out of his pants pocket and handed it to Judge A saying, "Coming to deliver on my promise." Judge A responded, "Appreciate it." Bail Bondsman #1 further

stated, "Put that away somewhere." On August 20, 2002, Judge A wrote a check from his personal checking account to BBU in the amount of $5,000.00 and a second check from his personal checking account to Bail Bonds, Inc. for $5,000.00. Both checks were mailed to Bail Bondsman #1.

q. Between September 2000 and December 2002, at BBU's request, Judge A split approximately 140 bonds and set approximately 268 bonds.

3. Attempts to Corruptly Influence Certain Other 24th JDC Judges

Beginning at a date unknown and continuing until 2004, **MARCOTTE** provided certain other 24th JDC Judges with things of value. In return, these judges were available to BBU; quickly responded to the requests of BBU; and set, reduced, increased, and split bonds to maximize BBU's profits, minimize BBU's liability, and hinder BBU's competition.

4. Corruption of Certain Sheriff's Deputies

a. Beginning at a date unknown, but before 1998, and continuing until the present date, **MARCOTTE** and other BBU employees would provide things of value to Jefferson Parish Sheriff's Office (hereinafter "JPSO") Deputies in order to obtain preferential treatment from the deputies at the Jefferson Parish jail.

b. Beginning at a date unknown but prior to 1991 and continuing until 2004, **MARCOTTE** and other employees of BBU made cash payments to Deputy #1 and Deputy #2 in amounts ranging from $20.00 to $200.00 per occurrence.

c. Beginning on a date unknown and continuing until 2004, **MARCOTTE** and other employees of BBU frequently purchased meals for JPSO Deputies while they were on duty at the Intake and Booking Section of the Jefferson Parish jail.

d. Between 1995 and 1997, **MARCOTTE** paid for two JPSO Deputies to take a trip to Las Vegas, Nevada.

e. In or about 1997, a BBU employee gave Deputy #2 and several other deputies watches that **MARCOTTE** had purchased on a trip to New York, New York.

f. In or about 1997, **MARCOTTE** provided a JPSO Deputy assigned to the Intake and Booking Section of the Jefferson Parish jail with the use of a vehicle at no charge. Later that year, **MARCOTTE** purchased a grey Nissan Maxima for that deputy at a cost of approximately $1,800.00.

g. In or about 1998, at the direction of **MARCOTTE**, a BBU employee gave Deputy #2 $1,600.00 in cash so that Deputy #2 could purchase handguns for himself and several other JPSO deputies.

h. Between 1998 and 2000, **MARCOTTE** purchased automobile tires for Deputy #2.

i. Beginning on or about January 18, 1999 and continuing until the present, **MARCOTTE** and BBU employed the son of Deputy #3 in order to curry favor with Deputy #3.

j. In 1999, at the direction of **MARCOTTE**, a BBU employee bought meals for Deputy #2 and several other deputies on numerous occasions at a restaurant on Lapalco Boulevard.

k. In or about December 2001, a BBU employee gave Deputy #2 $130.00 in cash to take several JPSO Deputies out for drinks at a restaurant in New Orleans.

l. On February 12, 2002, **MARCOTTE** called Deputy #2 to discuss **MARCOTTE**'s concern about competition from a former BBU employee. Deputy #2 told **MARCOTTE** that he would tell the JPSO deputies not to accept anything from the former BBU employee.

m. Beginning on February 20, 2002, and continuing until August 21, 2002, BBU paid for a cellular telephone for Deputy #3 at a total cost exceeding $700.00.

n. On March 9, 2002, **MARCOTTE** and Bail Bondsman #2 had a conversation in which Bail Bondsman #2 explained that he had been paying Deputy #2 $100.00 a

week. Bail Bondsman #2 stated, "I have to go outside and tell you this. I had to get, um, [Deputy #2] a hundred dollars. That alright, huh?" **MARCOTTE** asked, "For what?" Bail Bondsman #2 responded, "Because Lori told me to do it every week."

o. Beginning in or about May 2000 and continuing through 2002, **MARCOTTE** paid JPSO Lieutenant Guy Maynard Crosby approximately $1,000.00 per month and provided the unlimited use of a cellular telephone in order to influence Crosby to illegally use the National Crime Information Center's computer data base to locate and identify fugitives released on bail bonds written by BBU to facilitate their apprehension and thereby obviate costly bond forfeitures which inured to the financial benefit of BBU and/or **MARCOTTE**.

5. The Fraud Against Amwest

a. In or about December 1999, **MARCOTTE** and others sought to withdraw approximately $650,000.00 from the BUF account held in trust with Amwest in order to expand his bail bond business to other states. To do so, Amwest required **MARCOTTE** to substitute real property having equity of approximately $650,000.00 to collateralize the BUF.

b. On or about December 20, 1999, **MARCOTTE** and others mailed a letter to Amwest enclosing a fraudulent real estate appraisal dated December 16, 1999 on his personal residence indicating it was worth approximately $800,000.00 when in fact **MARCOTTE** and others well knew that it was worth significantly less than $800,000.00. Additionally, **MARCOTTE** and others, in the same mailing, sent Amwest an Act of Mortgage for $700,000.00 on his personal residence knowing that the actual unencumbered value of his residence was significantly less, all designed to induce Amwest to release approximately $500,000.00 from the BUF to BBU.

c. On or about December 28, 1999, Amwest mailed a letter enclosing a check made payable to BBU in the sum of $400,000.00. This letter further referenced an earlier

disbursement by Amwest in the form of a $100,000.00 check dated December 6, 1999 made payable to BBU. **MARCOTTE** and others deposited those checks into the accounts of BBU.

d. On or about December 29, 1999, **MARCOTTE** and others mailed a letter through a private interstate carrier to Amwest enclosing a fraudulent real estate appraisal dated December 29, 1999 on real property located at 1708 Williams Boulevard, Kenner, Louisiana indicating it was worth approximately $146,000.00 when in fact, **MARCOTTE** and others well knew it was worth significantly less than the appraised value. Additionally, **MARCOTTE** and others, in the same mailing, sent Amwest an Act of Mortgage for $150,000.00 on 1708 Williams Boulevard, Kenner, Louisiana, knowing that the actual value of this property was significantly less, all designed to further induce Amwest to release approximately $150,000.00 from the BUF to BBU.

e. On or about January 4, 2000, Amwest mailed a check payable to BBU in the sum of $150,000.00 to **MARCOTTE** which was thereafter deposited into the account of BBU.

f. In or about May of 2001, **MARCOTTE** and others, knowing that Amwest was experiencing significant financial difficulties and fearing that his personal residence would be entangled in a protracted insurance liquidation proceeding in another state, devised a scheme to release his personal residence as collateral to the BUF. This scheme included the substitution of other real estate of inferior value to his personal residence as collateral.

g. On or about May 31, 2001, **MARCOTTE** and others mailed a letter to Amwest enclosing a fraudulent real estate appraisal dated May 24, 2001 on real property located at 415-417 Derbigny Street, Gretna, Louisiana indicating it was worth approximately $180,000.00 when in fact **MARCOTTE** and others well knew it was worth significantly less than the stated appraised value. Additionally, **MARCOTTE** and others, in the same mailing, enclosed another fraudulent real estate appraisal dated March 25, 2001 on real property located at 418-420 South Broad Street, New Orleans, Louisiana indicating that it was worth approximately $275,000.00 when

in fact **MARCOTTE** and others well knew it was worth significantly less than the stated appraised value as it had suffered serious and devaluing fire damage on or about June 28, 2000. Moreover, in this mailing, **MARCOTTE** and others enclosed fraudulent mortgage and real estate security instruments securing these properties in favor of Amwest, all designed to deceive Amwest into believing that it had received substituted collateral for **MARCOTTE**'s personal residence of equal or greater value.

h. On or about June 7, 2001, **MARCOTTE** and others mailed a letter through a private interstate carrier enclosing fraudulent mortgage and security instruments on 415-417 Derbigny Street, Gretna, Louisiana and 418-420 South Broad Street, New Orleans, Louisiana in favor of Amwest indicating that these security instruments had been recorded in the official mortgage records for Jefferson and Orleans Parishes respectively, all the while knowing that **MARCOTTE** and others had cancelled or never filed these security instruments. Federal Express records confirm that BBU sent a mailing to Amwest on or about June 7, 2001, and Amwest received the original letter and mortgage documents on or about the same date.

i. The actions of Marcotte and others caused no actual loss at the time of the transactions but created a risk of future loss to Amwest by substituting collateral of lesser value. The extent of actual loss, if any, to Amwest depends on the nature and extent of any liabilities due Amwest from Marcotte.

LOUIS M. MARCOTTE, III
Defendant

RICHARD WESTLING
Attorney for the Defendant
Louisiana Bar Roll No. 20027

Louis M. Marcotte, III
Factual Basis
Page 13

MARTIN REGAN
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Louisiana Bar Roll No.

JIM LETTEN
UNITED STATES ATTORNEY
Louisiana Bar Roll No. 8517

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First Assistant United States Attorney
Chief, Criminal Division
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Chief, Strike Force
Louisiana Bar Roll No. 10515

MICHAEL W. MAGNER
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Chief, Violent Crimes Unit
Louisiana Bar Roll No. 1206

MICHAEL SIMPSON
Assistant United States Attorney
Louisiana Bar Roll No. 12299

WILLIAM P. GIBBENS
Assistant United States Attorney
Louisiana Bar Roll No. 27225

New Orleans, Louisiana
March 2, 2004

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA
V.
LOUIS M. MARCOTTE, III

JUDGMENT IN A CRIMINAL CASE

Case Number: 04-61-001 "GPK"

USM Number: 28833-034

Richard Westling, and Martin Regan, Jr.
Defendant's Attorney

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2006 SEP -8 A 10:58
LORETTA G. WHYTE
CLERK

Social Security No.: xxx-xx-6609

THE DEFENDANT:

☑ pleaded guilty to count(s) 1 of the Bill of Information on March 18, 2004.

☐ pleaded nolo contendere to count(s) which was accepted by the court.

☐ was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Count
18 U.S.C. §1962 and 1963	Conspiracy to Operate an Enterprise Through a Pattern of Racketeering Activity	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

COURT REPORTER: Vic DiGiorgio

ASST. U. S. ATTORNEY: Michael Magner

PROBATION OFFICER: David Arena

August 28, 2006
Date of Imposition of Judgment

Signature of Judge

GEORGE P. KAZEN, United States District Judge
Name and Title of Judge

9/6/06
Date

CERTIFIED AS A TRUE COPY
ON THIS DATE _____
BY: _____
Deputy Clerk

___ Fee
___ Process
X Dktd
✓ CtRmDep
___ Doc. No.

HP Exhibit 71(e)

AO 245B (Rev. 06/05) Judgment in Criminal Case
Sheet 2 — Imprisonment

DEFENDANT: LOUIS M. MARCOTTE, III
CASE NUMBER:

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 38 months as to count 1 of the Bill of Information.

[x] The court makes the following recommendations to the Bureau of Prisons:
That the defendant be designated to a facility where he may participate in a substance abuse program.

[ ] The defendant is remanded to the custody of the United States Marshal.

[X] The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 noon on October 27, 2006 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 3 — Supervised Release

Judgment—Page 3 of 6

DEFENDANT: LOUIS M. MARCOTTE, III
CASE NUMBER:

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years as to count 1 of the Bill of Information.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons. The defendant shall not commit another federal, state or local crime.

SPECIAL CONDITIONS OF SUPERVISION

The following special conditions are imposed:
1) The defendant shall participate in a program of testing and/or treatment for drug abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall contribute to the cost of such treatment to the extent that the defendant is deemed capable by the probation officer;
2) The defendant shall participate in a program of testing and/or treatment for alcohol abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall contribute to the cost of such treatment to the extent that the defendant is deemed capable by the probation officer;
3) The defendant shall participate in a program of mental health treatment as directed by the probation officer until such time as the defendant is released from the program by the probation officer;
4) The defendant shall provide the probation officer with access to any requested financial information;
5) The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule;
6) The defendant shall surrender any insurance licenses and will not engage in the bail bond business, directly or indirectly, anytime in the future.

The defendant shall cooperate in the collection of a DNA sample, pursuant to the DNA Analysis Backlog Elimination Act of 2000, and subsequent amendments. (GK)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as shown below, and shall not possess a firearm.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;

2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;

3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

4) the defendant shall support his or her dependents and meet other family responsibilities;

5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;

6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;

7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;

8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;

10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;

11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and

13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 5 — Criminal Monetary Penalties

DEFENDANT: LOUIS M. MARCOTTE, III
CASE NUMBER:

CRIMINAL MONETARY PENALTIES

[x] The defendant must pay any imposed fine or restitution under the schedule of payments on Sheet 6.

[✓] The Court finds that the defendant does not have the ability to pay a fine. The Court will waive the fine in this case.

	Assessment	Fine	Restitution
TOTALS	$ 100.00	$ 15,000.00	$ -0-

[✓] **The special assessment is due immediately.**

☐ The determination of restitution is deferred _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage

TOTALS $_____ $_____

☐ Restitution amount ordered pursuant to plea _____

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the fine restitution.

☐ the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 6 — Schedule of Payments

Judgment — Page 6 of 6

DEFENDANT: LOUIS M. MARCOTTE, III
CASE NUMBER:

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A ☐ Lump sum payment of $ _____ due immediately, balance due

☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal monthly installments of $,to commence ; or

D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of $ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☑ Special instructions regarding the payment of criminal monetary penalties:

The fine of $15,000.00 shall begin while the defendant is incarcerated. Upon release, any unpaid balance shall be paid at a rate of $400.00 per month. The payment of $400.00 is subject to increase or decrease, depending on the defendant's ability to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

~~The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.~~ GPK

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 04-061
v.	*	SECTION: "GPK"
LOUIS M. MARCOTTE, III LORI M. MARCOTTE	*	

* * *

ORDER

Having considered the motion of the United States to unseal the Government's Motion and Incorporated Memorandum for Sentencing Departure and resulting Orders relative to Louis M. Marcotte, III and Lori M. Marcotte.

IT IS HEREBY ORDERED that the Clerk of Court for the Eastern District of Louisiana unseal the Government's Motion and Incorporated Memorandum for Sentencing Departure and resulting Orders in the above-captioned case relative to defendants, Louis M. Marcotte, III and Lori M. Marcotte for the limited purpose of providing them to the United States Congress and the litigants in the matter of the impeachment trial of United States District Judge G. Thomas Porteous, Jr.

Laredo, Texas, this 9th day of August, 2010.

George P. Kazen
UNITED STATES DISTRICT JUDGE

HP Exhibit 71(f)

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2006 JUN 26 AM 10: 55
LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

~~SEALED~~ 8/9/2010

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 04-061
v.	*	SECTION: "GPK"
LOUIS M. MARCOTTE, III	*	

* * *

GOVERNMENT'S MOTION AND INCORPORATED MEMORANDUM FOR SENTENCING DEPARTURE

NOW INTO COURT comes the United States of America, appearing herein by and through the undersigned Assistant United States Attorneys, and respectfully moves this Honorable Court to depart from defendant Louis M. Marcotte, III's applicable advisory sentencing guideline range for the following reasons:

1. On March 18, 2004, Louis M. Marcotte, III pled guilty to one count of conspiring to operate an enterprise through a pattern of racketeering activity, in violation of Title 18, United States Code, Section 1962(d). As is set out in his factual basis, Marcotte admitted that from 1991 until 2004 he participated in a conspiracy to maximize the profits of his company, Bail Bonds Unlimited, Inc. ("BBU"), by corruptly influencing judges and sheriff's deputies and by defrauding Amwest Surety Insurance Company.

CLERK'S OFFICE
A TRUE COPY
AUG - 9 2010
Deputy Clerk, U. S. District Court
Eastern District Of Louisiana
New Orleans, La.

Fee
Process
X Dktd
CtRmDep
Doc. No

2. After his guilty plea, Marcotte cooperated with the government and was debriefed on approximately 33 occasions. Marcotte explained how his racketeering enterprise worked and identified a number of other individuals involved in the conspiracy. Specifically, Marcotte admitted to bribing several public officials; and he explained whom he paid, why he paid them, and what he received in return. Marcotte's information eventually led to the convictions of Louisiana District Judge Alan J. Green; BBU's Chief Financial Officer Norman Bowley; and Jefferson Parish Sheriff's Deputies William Giangrosso, Landry Forges, Edward Still and Myrtis Randle.

3. Bowley, Giangrosso, Forges, Still and Randle all pled guilty. The government believes that Marcotte's cooperation and willingness to testify against these individuals was a significant factor in securing their guilty pleas.

4. Former judge Alan J. Green was convicted after a trial in June 2005. In convicting Green of honest services mail fraud, the jury found that Green accepted cash bribes from a BBU employee. Louis Marcotte provided much of the information that led to the indictment and conviction of Alan Green. Although the government did not call Marcotte as a witness at trial, Marcotte was ready and willing to testify. Without Marcotte's cooperation, the government would have had to expend significant additional time and resources in investigating and prosecuting Green, and its prosecution may not have been successful.

5. Section 3553(e) of Title 18, United States Code provides that a court, upon motion by the government and "to reflect a defendant's substantial assistance in the investigation and prosecution of another person," may impose a sentence below a minimum sentence otherwise required by statute. Section 5K1.1 of the Sentencing Guidelines states that a court, in making a determination of substantial assistance, may consider: the significance and usefulness of the

assistance taking into consideration the government's evaluation; the truthfulness, completeness, and reliability of information and testimony provided; the nature and effect of the defendant's assistance; any injuries suffered or any danger or risk of injury to the defendant or his or her family resulting from this assistance; and the timeliness of the defendant's assistance.

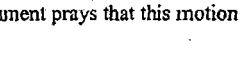
6. The government respectfully submits that it considers and evaluates the information and cooperation provided by Louis M. Marcotte, III to be "substantial" in its significance and usefulness. The cooperation rendered by Mr. Marcotte was provided in a timely manner. His cooperation helped the government obtain the numerous convictions listed above.

7. The government and Marcotte entered a plea agreement under Federal Rule of Criminal Procedure 11(c)(1)(C). The plea agreement stipulates that a sentencing range of 57 to 71 months is appropriate. The United States Probation Office has also recommended a 57 to 71 month advisory guideline range, having determined an Offense Level of 25. However, in light of Mr. Marcotte's significant assistance to the government, the government respectfully requests that Marcotte be sentenced below the recommended range. Should this Court grant the government's motion to depart from the applicable guideline range, the government respectfully recommends that the Court depart downward three levels to Offense Level 22 and that Marcotte be sentenced within that range to 41-51 months imprisonment.

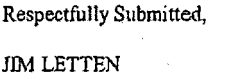
WHEREFORE, for the foregoing reasons, the government respectfully requests that the cooperation rendered by the defendant, Louis M. Marcotte, III, be taken into consideration by this Honorable Court and, accordingly, moves for a departure from his applicable sentencing guideline range to a sentence within the range of 41-51 months, pursuant to Rule 5K1.1 of the advisory Sentencing Guidelines; and, furthermore, the government prays that this motion and the attached order be **SEALED.**

Respectfully Submitted,

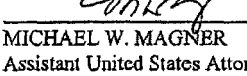
JIM LETTEN
UNITED STATES ATTORNEY



MICHAEL W. MAGNER
Assistant United States Attorney
Supervisor, Anti-Terrorism Unit
Louisiana Bar Roll No. 12067



DUANE EVANS
Assistant United States Attorney
Supervisor, Violent Crimes Unit
Louisiana Bar Roll No. 24086



WILLIAM P. GIBBENS
Assistant United States Attorney
Louisiana Bar Roll No. 27225
Hale Boggs Federal Building
500 Poydras Street
New Orleans, Louisiana 70130
Telephone: (504) 680-3018

CERTIFICATE OF SERVICE
I certify that a copy of the foregoing has been served upon counsel for all parties by mailing the same to each properly addressed and postage prepaid this 11 th day of June, 2006.

Assistant United States Attorney

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2006 JUN 26 AM 10: 56

LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

~~SEALED~~ 8/9/2011

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 04-061
v.	*	SECTION: "GPK"
LORI M. MARCOTTE	*	

* * *

GOVERNMENT'S MOTION AND INCORPORATED
MEMORANDUM FOR SENTENCING DEPARTURE

NOW INTO COURT comes the United States of America, appearing herein by and through the undersigned Assistant United States Attorneys, and respectfully moves this Honorable Court to depart from defendant Lori M. Marcotte's applicable advisory sentencing guideline range for the following reasons:

1. On March 18, 2004, Lori M. Marcotte pled guilty to one count of conspiring to commit mail fraud, in violation of Title 18, United States Code, Section 371. As is set out in her factual basis, Marcotte admitted that from 1998 until 2004 she participated in a conspiracy to maximize the profits of her company, Bail Bonds Unlimited, Inc. ("BBU"), by corruptly influencing sheriff's deputies.

CLERK'S OFFICE
A TRUE COPY
AUG - 9 2010
Deputy Clerk, U. S. District Court
Eastern District Of Louisiana
New Orleans, La.

___ Fee
___ Process
X Dktd
___ CtRmDep
___ Doc. No. 70

2. After her guilty plea, Marcotte cooperated with the government and was debriefed on approximately 20 occasions. Marcotte explained that she and her associates at BBU paid bribes to several public officials, including sheriff's deputies and state judges. Marcotte provided detailed information about what bribes were paid and what she and her company received in return. In addition, Marcotte spent several weeks reviewing the thousands of documents seized from BBU during various searches, and she identified many items that were useful to the government. Marcotte's information eventually led to the convictions of Louisiana District Judge Alan J. Green; BBU's Chief Financial Officer Norman Bowley; and Jefferson Parish Sheriff's Deputies William Giangrosso, Landry Forges, Edward Still and Myrtis Randle.

3. Bowley, Giangrosso, Forges, Still and Randle all pled guilty. The government believes that Marcotte's cooperation and willingness to testify against these individuals was a significant factor in securing their guilty pleas.

4. Former judge Alan J. Green was convicted after a trial in June 2005. In convicting Green of honest services mail fraud, the jury found that Green accepted cash bribes from BBU. Lori Marcotte provided much of the information that led to the indictment and conviction of Alan Green, and was one of the government's primary witnesses at trial. Marcotte testified that she and her associates bribed judge Green and that in return, Green set bonds at the levels BBU requested. Without Marcotte's testimony, the government's prosecution of Alan Green may not have been successful.

5. Section 3553(e) of Title 18, United States Code provides that a court, upon motion by the government and "to reflect a defendant's substantial assistance in the investigation or prosecution of another person," may impose a sentence below a minimum sentence otherwise

required by statute. Section 5K1.1 of the Sentencing Guidelines states that a court, in making a determination of substantial assistance, may consider: the significance and usefulness of the assistance taking into consideration the government's evaluation; the truthfulness, completeness, and reliability of information and testimony provided; the nature and effect of the defendant's assistance; any injuries suffered or any danger or risk of injury to the defendant or his or her family resulting from this assistance; and the timeliness of the defendant's assistance.

6. The government respectfully submits that it considers and evaluates the information and cooperation provided by Lori M. Marcotte to be "substantial" in its significance and usefulness. The cooperation rendered by Ms. Marcotte was provided in a timely manner. Her cooperation helped the government obtain the numerous convictions listed above.

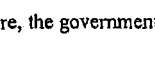
7. The government and Marcotte entered into a plea agreement pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C). The plea agreement stipulates that Marcotte's sentence should be no greater than 20 months imprisonment. The United States Probation Office has determined that Marcotte's advisory sentencing guideline range is 12 to 18 months imprisonment. However, in light of the significant cooperation provided by defendant Marcotte, the government respectfully requests that the Court impose a sentence below Marcotte's guideline range. Should this Court grant the government's motion to depart from the applicable guideline range, the government respectfully recommends a sentencing range of 6 to 10 months, to be served on home confinement.

WHEREFORE, for the foregoing reasons, the government respectfully requests that the cooperation rendered by the defendant, Lori M. Marcotte, be taken into consideration by this Honorable Court and, accordingly, moves for a departure from her applicable sentencing guideline range to a sentencing range of 6 to 10 months imprisonment, to be served on home confinement,

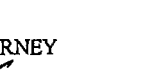
pursuant to Rule 5K1.1 of the advisory Sentencing Guidelines; and, furthermore, the government prays that this motion and the attached order be **SEALED.**

Respectfully Submitted,

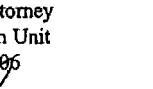
JIM LETTEN
UNITED STATES ATTORNEY



MICHAEL W. MAGNER
Assistant United States Attorney
Supervisor, Anti-Terrorism Unit
Louisiana Bar Roll No. 1206

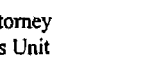


DUANE EVANS
Assistant United States Attorney
Supervisor, Violent Crimes Unit
Louisiana Bar Roll No. 24086



WILLIAM P. GIBBENS
Assistant United States Attorney
Louisiana Bar Roll No. 27225
Hale Boggs Federal Building
500 Poydras Street
New Orleans, Louisiana 70130
Telephone: (504) 680-3018

CERTIFICATE OF SERVICE
I certify that a copy of the foregoing has been served upon counsel for all parties by mailing the same to each properly addressed and postage prepaid this 26th day of June, 2006.



Assistant United States Attorney

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA
V.
LOUIS M. MARCOTTE, III

JUDGMENT IN A CRIMINAL CASE

Case Number: 04-61-001 "GPK"

USM Number: 28833-034

Richard Westling, and Martin Regan,
Defendant's Attorney

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2006 SEP -8 A 10:58
LORETTA G. WHYTE
CLERK

Social Security No.: xxx-xx-6609

THE DEFENDANT:

☑ pleaded guilty to count(s) 1 of the Bill of Information on March 18, 2004.

☐ pleaded nolo contendere to count(s) which was accepted by the court.

☐ was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Count
18 U.S.C. §1962 and 1963	Conspiracy to Operate an Enterprise Through a Pattern of Racketeering Activity	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

COURT REPORTER: Vic DiGiorgio

ASST. U. S. ATTORNEY: Michael Magner

PROBATION OFFICER: David Arena

August 29, 2006
Date of Imposition of Judgment

Signature of Judge

GEORGE P. KAZEN, United States District Judge
Name and Title of Judge

9/6/06
Date

CERTIFIED AS A TRUE COPY
ON THIS DATE _____
BY: _____
Deputy Clerk

___ Fee
___ Process
X Dktd
___ CtRmDep
___ Doc. No

AO 245B (Rev. 06/05) Judgment in Criminal Case
Sheet 2 — Imprisonment

DEFENDANT: LOUIS M. MARCOTTE, III
CASE NUMBER:

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 38 months as to count 1 of the Bill of Information.

[x] The court makes the following recommendations to the Bureau of Prisons:
That the defendant be designated to a facility where he may participate in a substance abuse program.

[ ] The defendant is remanded to the custody of the United States Marshal.

[X] The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 noon on October 27, 2006 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 3 — Supervised Release

DEFENDANT: LOUIS M. MARCOTTE, III
CASE NUMBER:

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years as to count 1 of the Bill of Information.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons. The defendant shall not commit another federal, state or local crime.

SPECIAL CONDITIONS OF SUPERVISION

The following special conditions are imposed:
1) The defendant shall participate in a program of testing and/or treatment for drug abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall contribute to the cost of such treatment to the extent that the defendant is deemed capable by the probation officer;
2) The defendant shall participate in a program of testing and/or treatment for alcohol abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall contribute to the cost of such treatment to the extent that the defendant is deemed capable by the probation officer;
3) The defendant shall participate in a program of mental health treatment as directed by the probation officer until such time as the defendant is released from the program by the probation officer;
4) The defendant shall provide the probation officer with access to any requested financial information;
5) The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule;
6) The defendant shall surrender any insurance licenses and will not engage in the bail bond business, directly or indirectly, anytime in the future.

The defendant shall cooperate in the collection of a DNA sample, pursuant to the DNA Analysis Backlog Elimination Act of 2000, and subsequent amendments. (GK)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as shown below, and shall not possess a firearm.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;

2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;

3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

4) the defendant shall support his or her dependents and meet other family responsibilities;

5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;

6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;

7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;

8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;

10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;

11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and

13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 5 — Criminal Monetary Penalties

DEFENDANT: LOUIS M. MARCOTTE, III
CASE NUMBER:

CRIMINAL MONETARY PENALTIES

[x] The defendant must pay any imposed fine or restitution under the schedule of payments on Sheet 6.

[✓] The Court finds that the defendant does not have the ability to pay a fine. The Court will waive the fine in this case.

	Assessment	Fine	Restitution
TOTALS	$ 100.00	$ 15,000.00	$ -0-

[✓] **The special assessment is due immediately.**

☐ The determination of restitution is deferred _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage

TOTALS $_____ $_____

☐ Restitution amount ordered pursuant to plea _____

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the fine restitution.

☐ the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 6 — Schedule of Payments

DEFENDANT: LOUIS M. MARCOTTE, III
CASE NUMBER:

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A ☐ Lump sum payment of $ _____ due immediately, balance due

☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal monthly installments of $,to commence ; or

D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of $ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☑ Special instructions regarding the payment of criminal monetary penalties:

The fine of $15,000.00 shall begin while the defendant is incarcerated. Upon release, any unpaid balance shall be paid at a rate of $400.00 per month. The payment of $400.00 is subject to increase or decrease, depending on the defendant's ability to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

~~The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.~~ GK

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA
V.
LORI MARCOTTE

JUDGMENT IN A CRIMINAL CASE

Case Number: 04-61-2 "GPK

USM Number: 28834-034

John W. Reed
Defendant's Attorney

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF L.
2006 SEP -8 A 10:58
LORETTA G. WHYTE
CLERK

Social Security No.: xxx-xx-8209

THE DEFENDANT:

☑ pleaded guilty to count(s) 2 of the Bill of Information on March 18, 2004.

☐ pleaded nolo contendere to count(s) which was accepted by the court.

☐ was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Count
18 U.S.C. §1341 and 1346	Conspiracy to Commit Mail Fraud	2

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

COURT REPORTER: Vic DiGiorgio

ASST. U. S. ATTORNEY: Michael W. Magner

PROBATION OFFICER: David L. Arena

August 28, 2006
Date of Imposition of Judgment

George P. Kazen
Signature of Judge

GEORGE P. KAZEN, United States District Judge
Name and Title of Judge

9/1/06
Date

CERTIFIED AS A TRUE COPY
ON THIS DATE _____
BY: _____
Deputy Clerk

___ Fee
___ Process
X Dktd
___ CtRmDep
___ Doc. No

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 4—Probation

DEFENDANT: LORI MARCOTTE
CASE NUMBER: 04-61-2 "GPK

PROBATION

The defendant is hereby sentenced to probation for a term of three years as to count 2 of the Bill of Information.
The defendant shall not commit another federal, state or local crime.

SPECIAL CONDITIONS OF SUPERVISION

The following special conditions are imposed:

1) The defendant shall participate in an orientation and life skills program as directed by the probation officer;
2) The defendant shall be placed on home detention for a period of six months, to commence immediately. During this time, the defendant shall remain at her place of residence except for employment and other activities approved in advance by the probation officer.

The defendant shall cooperate in the collection of a DNA sample, pursuant to the DNA Analysis Backlog Elimination Act of 2000, and subsequent amendments.

The defendant shall never again engage in the bail bonding business nor, under any circumstances, write any new bail bonds, directly or indirectly. GK

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as shown below, and shall not possess a firearm.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;

2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;

3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

4) the defendant shall support his or her dependents and meet other family responsibilities;

5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;

6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;

7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;

8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;

10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;

11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and

13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 5 — Criminal Monetary Penalties

DEFENDANT: LORI MARCOTTE
CASE NUMBER: 04-61-2 "GPK

CRIMINAL MONETARY PENALTIES

[x] The defendant must pay any imposed fine or restitution under the schedule of payments on Sheet 6.

[✓] The Court finds that the defendant does not have the ability to pay a fine. The Court will waive the fine in this case.

	Assessment	Fine	Restitution
TOTALS	$ 100.00	$ 15,000.00	$ -0-

[✓] **The special assessment is due immediately.**

☐ The determination of restitution is deferred _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(I), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage

TOTALS $_____ $_____

☐ Restitution amount ordered pursuant to plea _____

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that.

☐ the interest requirement is waived for the fine restitution.

☐ the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 6 — Schedule of Payments

DEFENDANT: LORI MARCOTTE
CASE NUMBER: 04-61-2 "GPK

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A ☐ Lump sum payment of $ _____ due immediately, balance due

☐ not later than _____ , or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal monthly installments of $,to commence ; or

D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of $ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☑ Special instructions regarding the payment of criminal monetary penalties:

The defendant shall pay to the United States a fine in the amount of $15,000.00, to be paid in full no later than October 16, 2006.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2004 MAR 18 PM 12:01
LORETTA G. WHYTE
CLERK

U.S. Department of Justice

Eastern District of Louisiana
U. S. Attorney's Office

Michael W. Magner
Assistant United States Attorney
Organized Crime Strike Force

Hale Boggs Federal Building
501 Magazine Street, Second Floor
New Orleans, LA 70130

Telephone #. (504) 680-3103
Fax # (504) 589-4393

February 20, 2004

The Honorable George P. Kazen
United States District Judge
Southern District of Texas
1300 Matamoros Street
Laredo, Texas 78040

Re: United States v. Lori Marcotte
Criminal Docket No. 04-061 GPK

Dear Judge Kazen:

In compliance with the holding of Bryan v. United States, 492 F.2d 775 (1974) and with Rule 11 of the Federal Rules of Criminal Procedure, the Government wishes to acknowledge the following agreement between the United States of America and Lori Marcotte, the defendant in the above-captioned proceeding. Defendant's undersigned counsel has reviewed the terms of this Agreement; counsel for Marcotte has been advised by the defendant that the defendant fully understands the terms of this agreement.

A. THE CHARGES

The Government has agreed that the defendant will be charged in a Bill of Information with one count of conspiracy in violation of Title 18 U.S.C. § 371 to commit mail fraud and mail fraud involving the deprivation of the honest services of public officials in violation of Title 18 U.S.C. § § 1341 and 1346. The Government has further agreed that it will allow the defendant to plead guilty to this charge if this agreement is accepted by the Court and that it will not bring any other criminal charges against the defendant in the Eastern District of Louisiana regarding activities which relate to the defendant's participation in the activities set forth in the Bill of Information, or which are disclosed to the Government in the defendant's cooperation with the Government in response to questions they pose.

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___ Process
X Dktd
___ CtRmDep
___ Doc. No.

As further consideration for defendant Lori Marcotte's guilty plea, the Government further agrees that it will not bring any charges against Lisa Marcotte which relate to her participation in the activities set forth in the Bill of Information, or which are disclosed to the Government in Lisa Marcotte's cooperation with the Government, provided Lisa Marcotte agrees to cooperate fully and submit to a permanent revocation of any bail bond license she may hold.

The Government further agrees that it will not bring any charges against Reggie Marcotte which relate to his participation in the activities set forth in the Bill of Information, or which are disclosed to the Government in Reggie Marcotte's cooperation with the Government, provided Reggie Marcotte: a) agrees to cooperate fully; b) submits to a permanent revocation of any bail bond license he may hold, and c) successfully participates in a Pre-Trial Diversion supervised by the United States Pre-Trial Services Office.

The defendant agrees to plead guilty to a Bill of Information, and she waives her right to be charged in any other fashion.

The parties stipulate that the defendant's total offense level is 13; that her criminal history category is I; that her sentencing guideline range is 12-18 months as determined by the U.S.S.G. 2002 (2002 Edition); and that if the defendant provides full and truthful cooperation, under this guideline range the Government will recommend a sentence at the low end of the guideline range. These stipulations and recommendations are made pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B), and the parties acknowledge that they are not binding on the Court. The parties have made this determination after due consideration of the appropriate sentencing guidelines and all appropriate sentencing adjustments.

The parties further stipulate, pursuant to Federal Rules of Criminal Procedure 11(c)(1)(C) that the defendant should be sentenced to no more than 20 months imprisonment. The parties acknowledge that in the event this plea agreement is accepted by the Court, this stipulation is binding. In the event the Court does not accept this stipulation and states that a sentence in excess of 20 months is justified, pursuant to Federal Rule of Criminal Procedure 11(c)(5), defendant shall be afforded the opportunity to withdraw from the plea.

B. MAXIMUM PENALTIES

The defendant further understands that the penalty defendant may receive should her plea of guilty be accepted is a term of statutory imprisonment of up to five years and/or a fine of $250,000 or an alternative fine of twice the gross gain to the defendant or twice the gross loss to any victim. The parties acknowledge, however, that defendant will forfeit her interest in the "Blue House," 217 Derbigny Street, Gretna, Louisiana as enumerated in paragraph H, and that this sum should be given

consideration by the Court towards satisfying defendants fine obligation, if any. The parties acknowledge that neither this nor any other recommendation binds the Court.

It also is understood that the Court must order restitution to any victim in this case under the provisions of 18 U.S.C. § 3663, if the Court finds it appropriate to do so. The defendant agrees that any restitution imposed will be non-dischargeable in any bankruptcy proceeding and that defendant will not seek or cause to be sought a discharge or a finding of dischargeability as to the restitution obligation.

C. SPECIAL ASSESSMENT

Further, the defendant understands that a mandatory special assessment fee of $100 per count shall be imposed under the provisions of 18 U.S.C. § 3013. This special assessment must be paid on the date of sentencing.

D. SUPERVISED RELEASE TERM

The defendant further understands that the Court, in imposing a sentence of a term of imprisonment, may include as part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment for a period of up to three years pursuant to 18 U.S.C. § 3583. Supervised release is a period following release from prison during which defendant's conduct will be monitored by the Court or the Court's designee. Defendant fully understands that if defendant violates any of the conditions of supervised release that the Court has imposed, defendant's supervised release may be revoked and defendant may be ordered by the Court to serve in prison all or part of the term of supervised release.

E. WAIVER OF APPEAL

Except as otherwise provided in this paragraph, the defendant hereby expressly waives the right to appeal her sentence on any ground, including but not limited to any appeal right conferred by 18 U.S.C. § 3742 on the defendant, and the defendant further agrees not to contest her sentence in any post-conviction proceeding, including but not limited to a proceeding under 28 U.S.C. § 2255. The defendant, however, reserves the right to appeal the following: (a) any punishment imposed in excess of the statutory maximum, and (b) any punishment to the extent it constitutes an upward departure from the appropriate sentencing guidelines.

F. HYDE AMENDMENT

The defendant agrees to waive any right to seek attorney's fees and/or litigation expenses under the "Hyde Amendment," 18 U.S.C. § 3006A and the defendant

acknowledges that the Government's position in the instant prosecution was not vexatious, frivolous or in bad faith.

G. DEFENDANT'S FULL AND TRUTHFUL COOPERATION

This plea agreement is predicated upon the fact that the defendant agrees to submit to interviews whenever and wherever reasonably requested by law enforcement authorities. The defendant understands she must be completely truthful. The defendant also agrees to appear before any grand jury or trial jury and to testify truthfully. The defendant agrees neither to implicate anyone falsely nor to exculpate or protect anyone falsely. The defendant understands if she is not truthful, or withdraws from, or materially breaches this Agreement, said Agreement will be null and void, and notwithstanding any other provision of this agreement, the defendant may be prosecuted for perjury or making false statements, as well as any other appropriate charges and any statements she has made can be used against her. Defendant further acknowledges that the aforementioned penalties apply fully to any material misrepresentation or omission in the Financial Statement she is obligated to provide pursuant to the provisions of paragraph H, infra.

The defendant further agrees, subject to Court approval, to a delay of her sentencing date until the completion of her cooperation, including her testimony in any trial(s).

In consideration of the defendant's willingness to acknowledge her guilt and accept responsibility for her wrongful conduct in compliance with the aforementioned conditions, the Government agrees that it will do the following:

1. The Government will bring to the attention of all federal courts, prosecutors and Probation Officers of any cooperation rendered to law enforcement by the defendant. However, the defendant's cooperation does not automatically require the Government to request a departure from the sentencing guidelines for substantial assistance to the Government. That decision will be made by the Government, in its sole discretion, after it evaluates the cooperation. If the Government decides to file a motion that the Court may depart pursuant to USSG § 5K1.1 of the sentencing guidelines, the Government will file a motion at a time determined by the Government, and only after the Government evaluates the entire cooperation of the defendant. The defendant understands the motion could be filed prior to or at sentencing. After sentencing, any such motions would be governed by Rule 35 of the Federal Rules of Criminal Procedure.

2. The Government also agrees that any statements or testimony given by the defendant, as of and after the date of this letter, pursuant to questions asked by law enforcement agents or prosecutors as a result of this agreement, will not be used

against her, including in connection with sentencing under USSG § 1B1.8. However, all parties understand that the United States may make derivative use of such statements or testimony and may pursue investigative leads therefrom, and will not be required at any time to prove an independent source at any Kastigar or other hearing held thereon. This agreement not to use statements or testimony does not apply to crimes of violence. Further, the defendant fully understands that should she commit perjury or give false statements to federal agents, such statements and testimony can be used, and she faces additional charges involving false statements and perjury.

H. FORFEITURE

The defendant agrees to forfeit and give to the United States prior to the date of sentencing any right, title and interest which the defendant may have in the property commonly known as the "Blue House," 217 Derbigny Avenue, Gretna, Louisiana or, at the sole discretion of the Government, the fair market value of defendant's interest in the property, up to $66,000. The Government agrees that out of the forfeited property, it will consider for reimbursement bona fide claims of legitimate Governmental entities and regulatory agencies for sums adjudged as owed to them by defendant and/or Bail Bonds Unlimited, Inc.

The defendant further agrees to submit to interviews whenever and wherever requested by law enforcement authorities regarding all assets within her possession or those assets transferred or sold to or deposited with any third party as outlined within the preceding paragraph. It is also understood that defendant will fully cooperate in providing any and all financial information and documentation, agrees to voluntarily execute a complete, accurate, and thorough Financial Statement, Form OBD-500 within 90 days.

I. MISCELLANEOUS PROVISIONS

1. The defendant agrees to surrender immediately her bail bond and other insurance licenses issued by the State of Louisiana and any other state and/or agree to permanent revocation of said licenses.

2. The defendant further agrees that she will never engage in the bail bonding business.

3. Under no circumstances will the defendant write any new bail bonds whatsoever in perpetuity, directly or indirectly.

PLEA AGREEMENT Lori Marcotte
Page 6

4. Defendant reserves her right to litigate all civil disputes with Amwest and/or its successors in interest.

J. NO SIDE AGREEMENTS

The defendant understands that the statements set forth above represent defendant's entire agreement with the Government. There are not any other agreements, letters, or notations that will affect this agreement.

Very truly yours,

JIM LETTEN
United States Attorney

MICHAEL W. MAGNER
Assistant United States Attorney

SALVADOR PERRICONE
Assistant United States Attorney

WILLIAM P. GIBBENS
Assistant United States Attorney

MICHAEL M. SIMPSON
Assistant United States Attorney

John Reed, Esq.
Attorney for the Defendant

Lori Marcotte
Defendant

3-2-2004
DATE

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2004 MAR 18 PM 12:01
LORETTA G. WHYTE
CLERK

U.S. Department of Justice

Eastern District of Louisiana
U. S. Attorney's Office

Michael W. Magner
Assistant United States Attorney
Organized Crime Strike Force

Hale Boggs Federal Building
501 Magazine Street, Second Floor
New Orleans, LA 70130

Telephone # (504) 680-3103
Fax # (504) 589-4393

March 18, 2004

The Honorable George P. Kazen
United States District Judge
Southern District of Texas
1300 Matamoros Street
Laredo, Texas 78040

Re: United States v. Lori Marcotte
Criminal Docket No. 04-061 GPK

Dear Judge Kazen:

In compliance with the holding of Bryan v. United States, 492 F.2d 775 (1974) and with Rule 11 of the Federal Rules of Criminal Procedure, the Government wishes to acknowledge the following addendum to the plea agreement between the United States of America and Lori Marcotte, the defendant in the above-captioned proceeding.

K. PROSECUTION BY JEFFERSON PARISH DISTRICT ATTORNEY

The parties acknowledge that as reflected by the attached correspondence from the United States Attorney dated March 9, 2004 and from the District Attorney for the Parish of Jefferson, State of Louisiana dated March 17, 2004, that the District Attorney has agreed to forego prosecution of the defendant to the extent expressly stated by the District Attorney.

Very truly yours,

JIM LETTEN
United States Attorney

MICHAEL W. MAGNER
Assistant United States Attorney

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___ Process
X Dktd.
___ CtRmDep.
___ Doc. No.

HP Exhibit 73(b)

SALVADOR PERRICONE
Assistant United States Attorney

WILLIAM P. GIBBENS
Assistant United States Attorney

MICHAEL M. SIMPSON
Assistant United States Attorney

John Reed, Esq.
Attorney for the Defendant

Lori Marcotte
Defendant

DATE 3/18/04

U.S. Department of Justice

Eastern District of Louisiana
U. S. Attorney's Office

Jim Letten
United States Attorney

Hale Boggs Federal Building
500 Poydras Street, Second Floor
New Orleans, LA 70130

Telephone # : (504) 680-3000
Fax # : (504) 589-4978

March 9, 2004

Honorable Paul Connick
District Attorney
Parish of Jefferson
200 Derbigny Street
Gretna, Louisiana 70053

Re: United States v. Louis M. Marcotte and Lori Marcotte

Dear Mr. Connick:

We understand that counsel for Louis Marcotte and Lori Marcotte have requested that you agree to forebear prosecution against their clients in your jurisdiction for the crimes and conduct arising out of the federal investigation of their activities in operating Bail Bonds Unlimited, Inc. We have no objection to your agreeing to do so, and, in fact, request that you defer to this office in this regard.

More specifically, we ask that you agree to forego state prosecution of Louis Marcotte and Lori Marcotte for conduct relating to their participation in the activities set forth in the Bill of Information, or which are disclosed to federal authorities in the course of the Marcottes' cooperation with federal authorities. Any such agreement on your part would, of course, not extend to crimes of violence.

As always, we greatly appreciate your substantial assistance in achieving a just and successful resolution of this matter.

Respectfully,

JIM LETTEN
UNITED STATES ATTORNEY

PAUL D. CONNICK, JR.
DISTRICT ATTORNEY
TWENTY-FOURTH JUDICIAL DISTRICT
PARISH OF JEFFERSON
STATE OF LOUISIANA

STEPHEN T. WIMBERLY
FIRST ASSISTANT
DISTRICT ATTORNEY

COURTHOUSE ANNEX
GRETNA, LA 70053
PHONE: (504) 368-1020
FAX: (504) 368-4562

March 17, 2004

Honorable Jim Letten
United States Attorney
Hale Boggs Federal Building
500 Poydras Street, Second Floor
New Orleans, LA 70130

Re: United States v. Louis M. Marcotte and Lori Marcotte

Dear Mr. Letten:

I am in receipt of your letter of March 9, 2004 regarding the above referenced matter. Pursuant to your request, my office agrees to forego the prosecution of Louis Marcotte and Lori Marcotte for conduct relating to their participation in the activities set forth in the Bill of Information filed in this matter, or which is disclosed to federal authorities in the course of the Marcottes' cooperation with federal authorities. As you noted, this agreement does not extend to any crimes of violence.

Very truly yours,

PAUL D. CONNICK, JR.
DISTRICT ATTORNEY

PDCjr/jjs

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2004 MAR 18 PM 12:01
LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	**CRIMINAL NO: 04-061**
v.	*	**SECTION: "GPK"**
LORI M. MARCOTTE	*	

* * *

FACTUAL BASIS

If this case had gone to trial, the government would have proved the following beyond a reasonable doubt through competent evidence:

A. Bail Bonds Unlimited, Inc. (hereinafter "BBU") was a bail bonds company licensed and regulated by the Louisiana Department of Insurance (hereinafter "DOI") and engaged in the business of insurance, whose activities affected interstate commerce. From 1991 until 2004, BBU provided commercial surety bail bonds for individuals who had been arrested for crimes in Jefferson Parish, Louisiana and elsewhere. BBU was the largest bail bonding company in Jefferson Parish, Louisiana, with over ninety percent of the bail bond market.

B. **LORI M. MARCOTTE** (hereinafter "**MARCOTTE**") was a bail bond agent and the Vice President of BBU.

C. Beginning on an exact date unknown, but in or before 1998, and continuing until the present, in the Eastern District of Louisiana and elsewhere, **MARCOTTE** and others knowingly and

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X Dktd
✓ CtRmDep
___ Doc. No. 20

willfully devised and intended to devise a scheme and artifice to defraud and to deprive the citizens of the State of Louisiana of the honest and faithful services, performed free from deceit, bias, self-dealing, and concealment, of certain Jefferson Parish Sheriff's Deputies in the performance of their official duties in the Intake and Booking Section of the Jefferson Parish jail.

D. In connection with the processing of inmates and bonds, **MARCOTTE** and others corruptly provided JPSO Deputies with cash payments, gifts, and other things of value, in order to influence the deputies in the performance of their officials duties, including giving BBU preferential treatment at the Jefferson Parish jail so as to maximize BBU's profits and hinder its competition.

E. To accomplish the above-mentioned goal, **MARCOTTE** and others knowingly and willfully conspired, combined, confederated and agreed together to knowingly and willfully cause mail to be delivered by the United States Postal Service for the purpose of defrauding and depriving the citizens of the State of Louisiana of the honest and faithful services of certain Jefferson Parish Sheriff's Deputies.

F. In furtherance of the conspiracy and to accomplish its purposes, **MARCOTTE**, aided and abetted by others, committed the following acts, among others, in the Eastern District of Louisiana and elsewhere:

1. Beginning at a date unknown, but before 1998, and continuing until the present date, **MARCOTTE** and other BBU employees would provide things of value to Jefferson Parish Sheriff's Office (hereinafter "JPSO") Deputies in order to obtain preferential treatment from the deputies at the Jefferson Parish jail.

2. Between 1998 and 2000, **MARCOTTE** purchased automobile tires for Deputy #2.

3. In or about December 2001, **MARCOTTE** gave Deputy #2 $130.00 in cash to take several JPSO Deputies out for drinks at a restaurant in New Orleans.

4. In 2001, **MARCOTTE** gave Deputy #2 $150.00 in cash.

5. Beginning on February 20, 2002 and continuing until August 21, 2002, **MARCOTTE** paid for a cellular telephone for Deputy #3 at a total cost exceeding $700.00.

6. On March 9, 2002, **LOUIS M. MARCOTTE, III** and Bail Bondsman #2 had a conversation in which Bail Bondsman #2 explained that he had been paying Deputy #2 $100.00 a week. Bail Bondsman #2 stated, "I have to go outside and tell you this. I had to get, um, [Deputy #2] a hundred dollars. That alright, huh?" **LOUIS M. MARCOTTE, III** asked, "For what?" Bail Bondsman #2 responded, "Because Lori told me to do it every week."

7. On or about June 11, 2002, **MARCOTTE** caused to be mailed BBU Check No. 6212 as payment for BBU's cellular telephone bill, including the cellular telephone given to Deputy #3.

LORI M. MARCOTTE
Defendant

JOHN REED
Attorney for the Defendant
Louisiana Bar Roll No. 11126

JIM LETTEN
UNITED STATES ATTORNEY
Louisiana Bar Roll No. 8517

JAN MASELLI MANN
First Assistant United States Attorney
Chief, Criminal Division
Louisiana Bar Roll No. 9020

SALVADOR R. PERRICONE
Assistant United States Attorney
Chief, Strike Force
Louisiana Bar Roll No. 10515

MICHAEL W. MAGNER
Assistant United States Attorney
Chief, Violent Crimes Unit
Louisiana Bar Roll No. 1206

MICHAEL SIMPSON
Assistant United States Attorney
Louisiana Bar Roll No. 12299

WILLIAM P. GIBBENS
Assistant United States Attorney
Louisiana Bar Roll No. 27225

New Orleans, Louisiana
March 2, 2004

HP Exhibit 0073 (d)

B (Rev. 06/05) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA
V.
LORI MARCOTTE

JUDGMENT IN A CRIMINAL CASE

Case Number: 04-61-2 "GPK

USM Number: 28834-034

John W. Reed
Defendant's Attorney

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2006 SEP -8 A 10:58
LORETTA G. WHYTE
CLERK

Social Security No.: xxx-xx-8209

THE DEFENDANT:

☑ pleaded guilty to count(s) 2 of the Bill of Information on March 18, 2004.

☐ pleaded nolo contendere to count(s) which was accepted by the court.

☐ was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Count
18 U.S.C. §1341 and 1346	Conspiracy to Commit Mail Fraud	2

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

COURT REPORTER: Vic DiGiorgio

ASST. U. S. ATTORNEY: Michael W. Magner

PROBATION OFFICER: David L. Arena

August 28, 2006
Date of Imposition of Judgment

George P. Kazen
Signature of Judge

GEORGE P.KAZEN, United States District Judge
Name and Title of Judge

9/1/06
Date

CERTIFIED AS A TRUE COPY
ON THIS DATE _____
BY: _____
Deputy Clerk

HP Exhibit 73(d)

___ Fee
___ Process
X/ Dktd
___ CtRmDep
___ Doc. No

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 4—Probation

DEFENDANT: LORI MARCOTTE
CASE NUMBER: 04-61-2 "GPK

PROBATION

The defendant is hereby sentenced to probation for a term of three years as to count 2 of the Bill of Information.
The defendant shall not commit another federal, state or local crime.

SPECIAL CONDITIONS OF SUPERVISION

The following special conditions are imposed:

1) The defendant shall participate in an orientation and life skills program as directed by the probation officer;
2) The defendant shall be placed on home detention for a period of six months, to commence immediately. During this time, the defendant shall remain at her place of residence except for employment and other activities approved in advance by the probation officer.

The defendant shall cooperate in the collection of a DNA sample, pursuant to the DNA Analysis Backlog Elimination Act of 2000, and subsequent amendments.

The defendant shall never again engage in the bail bonding business nor, under any circumstances, write any new bail bonds, directly or indirectly. GK

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as shown below, and shall not possess a firearm.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;

2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;

3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

4) the defendant shall support his or her dependents and meet other family responsibilities;

5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;

6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;

7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;

8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;

10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;

11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and

13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 5 — Criminal Monetary Penalties

DEFENDANT: LORI MARCOTTE
CASE NUMBER: 04-61-2 "GPK

CRIMINAL MONETARY PENALTIES

[x] The defendant must pay any imposed fine or restitution under the schedule of payments on Sheet 6.

[✓] The Court finds that the defendant does not have the ability to pay a fine. The Court will waive the fine in this case.

	Assessment	Fine	Restitution
TOTALS	$ 100.00	$ 15,000.00	$ -0-

[✓] **The special assessment is due immediately.**

☐ The determination of restitution is deferred _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage

TOTALS $_____ $_____

☐ Restitution amount ordered pursuant to plea _____

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

[ ] The court determined that the defendant does not have the ability to pay interest and it is ordered that:

[ ] the interest requirement is waived for the fine restitution.

☐ the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 06/05) Judgment in a Criminal Case
Sheet 6 — Schedule of Payments

Judgment — Page 5 of 5

DEFENDANT: LORI MARCOTTE
CASE NUMBER: 04-61-2 "GPK

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A ☐ Lump sum payment of $ _____ due immediately, balance due

☐ not later than _____ , or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal monthly installments of $,to commence ; or

D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of $ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☑ Special instructions regarding the payment of criminal monetary penalties:

The defendant shall pay to the United States a fine in the amount of $15,000.00, to be paid in full no later than October 16, 2006.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER: 76-770 DIVISION: "B"

STATE OF LOUISIANA

VERSUS

JEFFERY J. DUHON

FILED:_____ DEPUTY CLERK:_____

MOTION FOR EXPUNGEMENT

On motion of JEFFERY J. DUHON, through his undersigned counsel, and on suggesting to this Honorable Court, that:

I.

On or about the day of , your mover, JEFFERY J. DUHON, was arrested and booked by the police authorities for the Parish of Jefferson, State of Louisiana, and such arrest and booking was assigned Item Number: 3-12486-76, of the Jefferson Parish Sheriff's Office. Subsequently, the Parish of Jefferson through the District Attorney's Office for the Parish of Jefferson, did then and there file charges in the above said matter.

II.

The above said court matter resulted, as follows:

Defendant was sentenced to two (2) years hard labor suspended; five years active probation; sentenced to serve twelve (12) consecutive weekends in Jefferson Parish Correction Center each Saturday from 8:00 am to 6:00 pm. and each Sunday from 8:00 am to 6:00 pm. to begin on February 12, 1977; this sentencing ran consecutive with case number 76-1505.

III.

Mover, JEFFERY J. DUHON is appearing herein for the sole purpose of moving the Court to order the annulment and/or cancellation and destruction of the record of the arrest, charge and disposition herein identified.

IV.

The authority for the Court's order is provided for under R.S. 44:9 of the Louisiana Revised Statutes, as amended,

directing all officials, agencies, institutions, boards and systems, their employees, agents, consultants and special committees, including but not limited to:

A. **Harry Lee**, Sheriff of the Parish of Jefferson, State of Louisiana; and,

B. **John M. Mamoulides**, District Attorney, Parish of Jefferson, State of Louisiana; and,

C. **Jon A. Gegenheimer**, Clerk of the 24th Judicial District Court, Parish of Jefferson, State of Louisiana; and

D. **Louisiana State Police Criminal Records Section**, 265 South Foster Drive, Baton Rouge, Louisiana; and,

E. **Col. Malcolm Millet**, Administrator of Louisiana Bureau of Criminal Identification, State Police Headquarters, State Capitol, Baton Rouge, Louisiana;

TO EXPUNGE ANY RECORD CONCERNING THE ARREST OF YOUR MOVER:

NAME: **JEFFERY J. DUHON**

D.O.B.: **January 7, 1959**

ITEM NO.: **3-12486-76**

DATE OF ARREST:

ARRESTING AGENCY: **Jefferson Parish Sheriff's Office**

whether in microfilm, computer card or tape, or any other photographic, electronic or mechanical method of storing data and to destroy any record of arrest, photograph, fingerprint or any other information of any and all kinds or descriptions; and,

WHEREFORE, mover prays that this Court enter an order to direct any and all agencies and law enforcement offices having records of the proceedings herein, including but not limited to the above named entities, to file a sworn affidavit with the Clerk of this Court, within a time specified by this Court, to the effect that such records have been destroyed and that no notation or references have been retained in any central depository which will or might lead to the inference that any record was ever on file with any agency or law enforcement office.

IT IS SO MOVED.

E. WAYNE WALKER
Attorney for Mover
819 Fourth Street
Gretna, Louisiana 70053
Phone: (504) 368-5630

ORDER

IT IS HEREBY ORDERED that the Jefferson Parish Sheriff's Office show cause on the 15 day of July, 1993, why the motion for expungement should not be granted.

Gretna, Louisiana, this _____ day of _____, 1993.

JUDGE

PLEASE SERVE:

Honorable Harry Lee
Sheriff, Parish of Jefferson
State of Louisiana
Gretna, Louisiana 70053

ON MINUTES
AUG 5 1993

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER: 76-770 DIVISION: "B"

STATE OF LOUISIANA

VERSUS

JEFFERY J. DUHON

FILED: _____ DEPUTY CLERK: _____

JUDGEMENT OF EXPUNGEMENT

The foregoing motion considered let all entities, agencies and law enforcement offices, including but not limited to the following:

A. **Harry Lee**, Sheriff of Jefferson Parish, State of Louisiana; and,

B. **John M. Mamoulides**, District Attorney, Parish of Jefferson, State of Louisiana; and,

C. **Jon A. Gegenheimer**, Clerk of the 24th Judicial District Court, Parish of Jefferson, State of Louisiana; and,

D. **Louisiana State Police Criminal Records Section**, 265 South Foster Drive, Baton Rouge, Louisiana; and,

E. **Col. Malcolm Millet**, Administrator of Louisiana Bureau of Criminal identification, State Police Headquarters, State Capitol, Baton Rouge, Louisiana.

Expunge and destroy any record of the arrest, photographs, fingerprints or any other information of any and all kinds or descriptions relating to the following:

NAME: **JEFFERY J. DUHON**

D.O.B.: **January 7, 1959**

COMPLAINT/ITEM NO.: **3-12486-76**

DATE OF ARREST:

ARRESTING AGENCY: **Jefferson Parish Sheriff's Office**

whether such information be on microfilm, computer card or tape, or any other photographic, electronic or mechanical method of storing data. Further, such agencies, entities and law enforcement offices and particularly the ones listed above shall file a sworn affidavit to the effect that such records have been

destroyed and that no notations or references including the foregoing motion and this judgement, have been retained in any of their files or central depository which will or might lead to the inference that any record ever was on file with any agency or law enforcement office and in particular the above named entities, provided however the original affidavit calls for herein shall be retained by the agency, entity or law enforcement office making sure; all in accordance with R.S. 44:9 of the Louisiana Revised Statutes of 1950, as amended. Such agencies, entities and law enforcement offices shall file said affidavits on or before the 29th day of September, 1993 with the Clerk of the 24th Judicial District Court, Parish of Jefferson, State of Louisiana.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that JEFFERY J. DUHON, is herewith discharged and the above numbered and entitled proceeding against he and is herewith dismissed.

Gretna, Louisiana, this 29th day of July, 1993.

ON MINUTES AUG 5 1993

JUDGE

PLEASE SERVE:

1. Harry Lee
   Sheriff
   Jefferson Parish
   Gretna, Louisiana

2. John M. Mamoulides
   District Attorney
   Jefferson Parish
   Gretna, Louisiana

3. Jon A. Gegenheimer
   Clerk of Court
   24th Judicial District
   Gretna, Louisiana

4. Louisiana State Police
   Criminal Records Section
   265 South Foster Drive
   Baton Rouge, Louisiana 70806

5. Col. Malcolm Millet
   Administrator of Louisiana
   Bureau of Criminal Identification
   State Police Headquarters
   State Capitol
   Baton Rouge, Louisiana 70804

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER: 76-770 DIVISION:"B"

STATE OF LOUISIANA

VERSUS

[redacted]

FILED: _____ DEPUTY CLERK: _____

MOTION TO SET ASIDE CONVICTION

AND DISMISS PROSECUTION

Defendant, [redacted] through undersigned counsel, moves the Court to set aside his conviction and dismiss the prosecution pursuant to LSA-C.Cr.P. Art. 893 (B).

Defendant has successfully completed his period of probation, has not been convicted of any other criminal offense and has no criminal charges pending.

Respectfully Submitted,

E. Wayne W

E. WAYNE WALKER
Attorney at Law
819 Fourth Street
Gretna, LA 70053
(504) 368-5630

ORDER

Considering the foregoing Motion,

IT IS ORDERED that the State of Louisiana, show cause on the 17 day of June, 1993 at 9:00 o'clock am. why the foregoing Motion should not be granted.

Gretna, Louisiana, this 16 day of June, 1993.

JUDGE

ON MINUTES
AUG 5 1993

FILED FOR RECORD
'93 JUL 29 PM 2 16

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA

HP Exhibit 77(c)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER: 76-770 DIVISION: B

STATE OF LOUISIANA

VERSUS

[redacted]

FILED: June 2, 1993 DEPUTY CLERK: J. A. Sherod

ORDER

Considering the foregoing Motion to Set Aside Conviction;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the conviction under docket number: 76-770, 24TH JUDICIAL DISTRICT COURT, DIVISION "B" which was pled under LSA-C.Cr.P. Art. 893 (B) is hereby set aside on this 1 day of June, 1993.

Gretna, Louisiana this 18 day of June, 1993.

JUDGE

ON MINUTES AUG 5 1993

FILED FOR RECORD 93 AUG 29 PM 2 17 DEPUTY CLERK PARISH OF JEFFERSON, LA.

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

THE STATE OF LOUISIANA | **Parish of Jefferson**

Twenty-Fourth Judicial District | **S.S.**

Twenty-Fourth Judicial District Court

JOHN M. MAMOULIDES, District Attorney, of the Twenty-Fourth Judicial District Court of the State of Louisiana, who, in the name and by the authority of the said State, prosecutes in its behalf, in proper person comes into the Twenty-Fourth Judicial District Court of the State of Louisiana, in and for the PARISH OF JEFFERSON and gives the said Court here to understand and be informed that one

SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES
ARNOLD N. WALLACE
AUBRY N. WALLACE
SAMUEL B. WALLACE

late of the Parish aforesaid, on or about the FIFTEENTH **day of** DECEMBER **in the year of our Lord One Thousand Nine Hundred** EIGHTY-EIGHT **with force and arms, in the Parish aforesaid, and within the jurisdiction of the Twenty-Fourth Judicial District Court of Louisiana, in and for the Parish aforesaid, violated R.S. 40:967 in that** they **did knowingly and intentionally possess a controlled dangerous substance, to wit:** over 200 grams but less than 400 grams of Cocaine,

SECOND COUNT: And the District Attorney further gives the Court to understand and be informed that on or about the FIFTEENTH day of DECEMBER, 1988, the said ARNOLD N. WALLACE and AUBRY N. WALLACE violated R.S. 40:966 in that they did knowingly and intentionally possess a controlled dangerous substance, to wit: Phencyclidine,

amend CT 2 to include:
Sylvia Clofer
Reginald Francis
Melva Mayes

contrary to the form of the Statute of the State of Louisiana, in such case made and provided, and against the peace and dignity of the State.

Robert Long
Assistant District Attorney

COMPLAINT NUMBER L-11183-88

Form # JPG-1229.99.22

HP EXHIBIT 81

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, _____, and that they were placed thereon by said defendant this ____ day of _____, 19____.

_____
Deputy Sheriff

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, Melva Mayes, and that they were placed thereon by said defendant this 22 day of March, 1993.

R. J. Bond
Deputy Sheriff

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, SAMUEL B. WALLACE, and that they were placed thereon by said defendant this 10 day of OCT., 1990.

Dep. Salvadori
Deputy Sheriff

Filed January 4, 1989
Elizabeth Perry
Dy. Clerk

No. 89-1

The State of Louisiana
VS
SYLVIA M. CLOFER
~~1028 SILVERLILLY LANE~~
MARRERO, LA
REGINALD FRANCIS
1028 SILVERLILLY LANE
MARRERO, LA
MELVA A. MAYES
~~2600 PARADISE PIPE~~ 205 Peale
~~METAIRIE, LA~~
ARNOLD N. WALLACE
~~1028 SILVERLILLY LANE~~
MARRERO, LA
AUBRY N. WALLACE
~~6305 FOURTH ST 2A~~
MARRERO, LA
SAMUEL B. WALLACE
6305 FOURTH ST 2A
~~MARRERO, LA~~

927 Cohen Marrero
4/19 Cole Rd.
~~N.O. 1 Ave~~
~~2600 Paradise~~
~~Metairie, LA~~
6305 Fourth St
Marrero #2A
1240 Garden St
Marrero
24 4446
Nic Nobi

INFORMATION FOR

R.S. 40: 967 Over 200 grams Cocain

POSSESSION
OF A CONTROLLED
DANGEROUS SUBSTANCE

R.S. 40:967 Poss Phencyclidine
(Arnold & Aubry Wallace Only)

JOHN M. MAMOULIDES
DISTRICT ATTORNEY

Wallace, Aubrey
1-5-89

STATE OF LOUISIANA
Parish of Jefferson
GRETNA, LA.

24th Judicial District Court for the Parish of Jefferson

BE IT REMEMBERED, That on this 5th day of January in the year of our Lord, one thousand, nine hundred and 88, before me, Harry Lee Sheriff of the Parish of Jefferson, State of Louisiana, personally came and appeared Aubrey Wallace as principal, and American Bankers Insurance Company as surety who severally acknowledge themselves indebted, and owe to Charles Roemer, Governor of the State of Louisiana, and his successor in office, in the several sums following, that is to say:

The said Aubrey Wallace the sum of $45,000 00/xx Dollars,
The said _____ the sum of _____ Dollars,
The said _____ the sum of _____ Dollars,
The said American Bankers Insurance Co. the sum of $45,000 00/xx Dollars,

of good and lawful money of the United States, for the true payment of which respective sums they and each of them bind themselves, their respective heirs, executors and administrators firmly by these presents. Also we waive all our Homestead Exemptions allowed us by the laws of this State.

UPON CONDITION, nevertheless, that if the above bounden Aubrey Wallace shall be and appear before the Hon. 24th Judicial District Cout of the State of Louisiana, to be held at the District Court House, in the Parish of Jefferson, on To the be day of notified, A.D. 19__, or if the said Court should not be held on the day last aforesaid, then on the first day thereafter that the said Court shall be held, then and there to answer to the charge brought against him for 967-967-966

and shall not depart without the leave of the said Court, until the final trial and conviction or acquittal of the said Aubrey Wallace, and shall keep the peace in the meantime; then this recognizance to be void; otherwise to remain in full force and effect.

FILED FOR RECORD
JAN 6 2 30 PM
DY. CLERK OF COURT
PARISH OF JEFFERSON, LA.

x Aubrey Wallace
6305 4th MARRERO LA
347-3656
221 Derbigny Street Gretna, La. 70053

Agent - American Bankers Insurance Co.

BOND NO. 131286-D
COMPLAINT NO. L1118888, L1118388
DATE OF BIRTH [redacted]
ARREST DATE 11-15-88 PLACE
RELEASE DATE 11-5-89 PLACE
DEPOSIT NO.

RECEIVED
JPSO

POWER OF ATTORNEY

AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA

VOID IF NOT ISSUED BY: 10/25/89

POWER AMOUNT $ ***100,000.00*** POWER NO. A100-00832189

KNOW ALL MEN BY THESE PRESENTS that the American Bankers Insurance Company of Florida, a corporation duly organized and existing under the laws of the State of Florida and by the authority of the resolution adopted by the Board of Directors at a meeting duly called and held on October 28, 1987, which said Resolution has not been amended or rescinded, does constitute and appoint and by these presents does make, constitute and appoint the named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

This Power of Attorney is for use with Bail Bonds only. Not valid if used in connection with Federal Immigration Bonds. This power void if altered or erased. Void if used with other powers of this company or in combination with powers from any other surety company. Void if used to furnish bail in excess of the stated face amount of this power and can only be used once.

Aggregate liability of the company shall not exceed the sum of: ***ONE HUNDRED THOUSAND DOLLARS***

and provided this Power of Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in this Power of Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, THE AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA has caused these presents to be signed by its duly authorized attorney-in-fact, proper for the purpose and its corporate seal to be hereunto affixed this 5th day of JAN 19 89

Bond Amount $ 95,000.00
Defendant Aubrey Wallace
Court 24th JUD.
City Jeff.
State La.
If rewrite, original
Executing Agent Jim Marcotte

AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA CORPORATE SEAL

By R. Spencer Douglass
R. Spencer Douglass
Attorney-in-Fact

FOR STATE USE ONLY
NOT VALID IF USED IN FEDERAL COURT

COURT COPY ABI-6

Sworn to and subscribed before me, this _____ day of _____ 19 ____.

_____

STATE OF LOUISIANA—Parish of Jefferson.

Before Me, the undersigned authority, personally came and appeared _____, who being duly sworn, deposes and says that he resides in the Parish of _____ and has immovable property within the jurisdiction of this Honorable Court over and above his debts, liabilities, exemptions and homesteads, sufficient to respond to the amount for which he has obligated himself on the within bond, to-wit: The sum of _____ Dollars.

Sworn to and subscribed before me, this _____ day of _____ 19 ____.

_____

STATE OF LOUISIANA—Parish of Jefferson.

Before Me, the undersigned authority, personally came and appeared _____, who being duly sworn, deposes and says that he resides in the Parish of _____ and has immovable property within the jurisdiction of this Honorable Court over and above his debts, liabilities, exemptions and homesteads, sufficient to respond to the amount for which he has obligated himself on the within bond, to-wit: The sum of _____ Dollars.

Sworn to and subscribed before me, this _____ day of _____ 19 ____.

_____

STATE OF LOUISIANA—Parish of Jefferson.

Before Me, the undersigned authority, personally came and appeared _____, who being duly sworn, deposes and says that he resides in the Parish of _____ and has

STATE OF LOUISIANA
VS.
SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES

NO. 89-0001
DIVISION N
DATE 02/22/89
,ET AL COURT REPORTER- K WESTMORELAND

DISTRICT ATTORNEY: J MOLAISON JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES
ARNOLD N. WALLACE
AUDRY N. WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF ARRAIGNMEN

--ARRAIGNMENT - PLEAD NOT GUILTY
THE DEFENDANT WAS
REPRESENTED BY JOE TOSH , THE ATTORNEY OF RECORD.
THE DEFENDANT
WAIVED THE READING OF THE BILL OF INFORMATION AND
ENTERED A PLEA OF NOT GUILTY
WHICH PLEA WAS ORDERED RECORDED. THE COURT GRANTED 15 DAYS FOR THE DEFENDANT'S COUNSEL OF RECORD TO FILE RESPONSIVE PLEADINGS.
TRIAL SET FOR APRIL 10, 1989--PT--4-5-89 AT 1:30 P.M.

THE NEXT COURT DATE IS 04/10/89 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

DEPUTY CLERK

ON MINUTES
MAR 1 1989

ENTRY 2

3 0 2 6 9 0 1 1 7

STATE OF LOUISIANA
VS.

SAMUEL WALLACE

NO. 89-0001
DIVISION N
DATE 02/22/89
COURT REPORTER- K WESTMORELAND

DISTRICT ATTORNEY: J MOLAISON JUDGE: JAMES CANNELLA

THE DEFENDANT SAMUEL WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF ARRAIGNMENT

--ARRAIGNMENT - PLEAD NOT GUILTY
THE DEFENDANT WAS
REPRESENTED BY JOE TOSH , THE ATTORNEY OF RECORD.
THE DEFENDANT
WAIVED THE READING OF THE BILL OF INFORMATION AND
ENTERED A PLEA OF NOT GUILTY
WHICH PLEA WAS ORDERED RECORDED. THE COURT GRANTED 15 DAYS FOR THE DEFENDANT'S COUNSEL OF RECORD TO FILE RESPONSIVE PLEADINGS.
TRIAL SET FOR APRIL 10, 1989--PT--4-5-89 AT 1:30 P.M.

THE NEXT COURT DATE IS 04/10/89 AT 09:00 - TRIAL

THE DEFENDANT WAS ENLARGED.

DEPUTY CLERK

ON MINUTES
MAR 1 1989

ENTRY 2A

STATE OF LOUISIANA
VS.
SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES ,ET AL

NO. 89-0001
DIVISION N
DATE 04/11/89
COURT REPORTER- SANDI HANCOCK

DISTRICT ATTORNEY: J MOLAISON JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES
ARNOLD N. WALLACE
AUDRY N. WALLACE — SAMUEL WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR MAY 15, 1989--PT--MAY 10, 1989 1:30PM.
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 05/15/89 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

DEPUTY CLERK

ON MINUTES
APR 19 1989

ENTRY 3

2

STATE OF LOUISIANA
VS.
SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES ,ET AL

NO. 89-0001
DIVISION N
DATE 05/15/89
COURT REPORTER- SANDI HANCOCK

DISTRICT ATTORNEY: J MOLAISON JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES
ARNOLD N. WALLACE
AUDRY N. WALLACE SAMUEL WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR JUNE 19, 1989--PT--6-14-89 AT 1:30 PM.
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 06/19/89 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

DEPUTY CLERK

OM MINUTES
MAY 18 1989

ENTRY 4 3 PAGE 1 OF _____

STATE OF LOUISIANA
VS.
SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES

NO. 89-0001
DIVISION N
DATE 06/19/89
,ET AL COURT REPORTER- K WESTMORELAND

DISTRICT ATTORNEY: J MOLAISON JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES
ARNOLD N. WALLACE
AUDRY N. WALLACE
DID NOT APPEAR BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR AUGUST 21, 1989--PT--8-16-89 AT 1:30PM.
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 08/21/89 AT 09:00 - TRIAL

THE DEFENDANTS WERE REMANDED TO AT LARGE

DEPUTY CLERK

ENTRY 5

JUN 28 1989

ON MOTIONS

4

STATE OF LOUISIANA
VS.
ARNOLD N. WALLACE
AUDRY N. WALLACE
SAMUEL WALLACE

NO. 89-0001
DIVISION N
DATE 08/21/89
COURT REPORTER- SANDI HANCOCK

DISTRICT ATTORNEY: JOHN MOLAISON,JR. JUDGE: JAMES CANNELLA

THE DEFENDANTS ARNOLD N. WALLACE
AUDRY N. WALLACE
SAMUEL WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANTS WERE REPRESENTED BY JOE TOSH

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR 9-11-89 ,PRE-TRIAL SET 9-6-89.
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 09/11/89 AT 09:00 - TRIAL

Peggy Harris
DEPUTY CLERK

AUG 30 1989

ENTRY #6

STATE OF LOUISIANA
VS.
SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES ,ET AL

NO. 89-0001
DIVISION N
DATE 09/11/89
COURT REPORTER- K WESTMORELAND

DISTRICT ATTORNEY: J MOLAISON JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES
ARNOLD N. WALLACE
AUDRY N. WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANTS WERE REPRESENTED BY JOE TOSH

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR OCTOBER 23, 1989--PT-10-18-89 AT 1:30PM.
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 10/23/89 AT 09:00 - TRIAL

THE DEFENDANTS WERE REMANDED TO SAM WALLACE IN FED. CUSTODY

DEPUTY CLERK

ENTRY 1

NOV 10 1989
ON MINUTES

6

1 0 1 2 8 9 0 2 9 8 8
OCT 10 1989
OCT 18 1989

DIV. N

JUDGE
JAMES L. CANNELLA

WRIT OF HABEAS CORPUS

STATE OF LOUISIANA, PARISH OF JEFFERSON

STATE OF LOUISIANA EX REL:

24TH JUDICIAL DISTRICT COURT

for the

PARISH OF JEFFERSON

vs.

1 0 2 4 8 9 0 1 0 4 0

SAMUEL WALLACE [redacted] E/M

No. 89-1, 89-2395, 89-2361

The State of Louisiana to U. S. MARSHALLS SERVICE, 500 CAMP ST., NEW ORLEANS, LA.

Greeting:

YOU ARE HEREBY COMMANDED, in the name of the State of Louisiana and of the 24th Judicial District Court for the Parish of Jefferson, to produce before Division "N" of this Court, on TUESDAY, the 24th day of OCTOBER in the year 1989, at 9:00 o'clock A. M., the SAID DEFENDANT

and to then and there show cause why the said DEFENDANT is detained and why he should not be PRESENT FOR TRIAL

And herein fail not under penalty of the law.

Witness the Honorable JAMES L. CANNELLA Judge of the said Court, this 9TH day of OCTOBER, in the year of our Lord 1989

Clerk's Office, Courthouse, Gretna, La., 19

Deputy Clerk.

JPG-1219.99.48

1 0 1 2 8 9 0 2 9 8 9

STATE OF LOUISIANA

VS.

SAMUEL WALLACE 4-6-58 N/M

DIVISION " N "

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 89-1; 89-2395; 89-2361

* * * * * * * * * * * * * * *

FILED: _____ _____ DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for the Parish of Jefferson, State of Louisiana, respectfully shows this Honorable Court that one SAMUEL WALLACE, is now confined in the ORLEANS PARISH PRISON.

That it is necessary for the aforesaid SAMUEL WALLACE to be present in the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Tuesday the 24th day of OCTOBER, 19 89, at 9:00 a.m., to be TRIED, in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be issued from this Honorable Court to U.S. MARSHALS SERVICE 500 CAMP ST., N.O., LA, requiring (him, them) to produce the body of SAMUEL WALLACE, before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Tuesday the 24th day of OCTOBER, 19 89, at 9:00 a.m., Division "N", at Gretna, Louisiana to be TRIED, for the crime of POSS. WITH INTENT TO DIST. PCP; POSS. OF COCAINE, in the above numbered and entitled cause.

John J. Molaison, Jr.

JOHN J. MOLAISON, JR.
ASSISTANT DISTRICT ATTORNEY
PARISH OF JEFFERSON

O R D E R

Let a Writ of Habeas Corpus Ad Prosequendum be issued to

U.S. MARSHALS SERVICE, EASTERN DISTRICT OF LOUISIANA
500 CAMP ST., N.O., LA
ordering and directing (him, them) to produce the body of

SAMUEL WALLACE before the 24th Judicial

District Court for the Parish of Jefferson, State of Louisiana,

on the 24th day of OCTOBER, 19 89, at

9:00 a.m., at Gretna, Louisiana, to be

TRIED for the crime of POSS. WITH INTENT

TO DIST. PCP; POSS. OF COCIANE in the matter entitled

State of Louisiana vs. SAMUEL WALLACE

Number 89-1; 89-2395; 89-2361, of the Criminal Docket of this Court.

Gretna, Louisiana, September 29, 19 89.

/s/JAMES L. CANNELLA

J U D G E

ATTACHMENT 48676400

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

ENTERED 2 29 PM '89

IN MOTION

THE STATE OF LOUISIANA.

To the Sheriff of the Parish of Jefferson—Greeting:

YOU ARE HEREBY COMMANDED to attach the body of SAMUEL B. WALLACE B/M DOB [redacted] 6305 FOURTH ST. #2A, MARRERO, LA.

and that you have HIM before our said Court, on the

INSTANTER, to answer for a contempt in neglecting or refusing to attend before said Court as a DEFENDANT

WITNESS THE HONORABLE JAMES L. CANNELLA JUDGE OF THE SAID COURT

No. 89-2361 THE 26TH DAY OF SEPTEMBER 19 89

R.S. 40:967 POSS W/INTENT TO DIST. COCAINE

Clerk's Office, Courthouse, Gretna, La.

Deputy Clerk

JPG 1219.25

ATTACHMENT 48676400

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

ENTERED IN MOTION SEP 27 2 29 PM '89

THE STATE OF LOUISIANA.

To the Sheriff of the Parish of Jefferson—Greeting:

YOU ARE HEREBY COMMANDED to attach the body of SAMUEL B. WALLACE B/M DOB [redacted] 6305 FOURTH ST. #2A, MARRERO, LA.

and that you have HIM before our said Court, on the INSTANTER, to answer for a contempt in neglecting or refusing to attend before said Court as a DEFENDANT

WITNESS THE HONORABLE JAMES L. CANNELLA JUDGE OF THE SAID COURT

No. 89-2395 THE 26TH DAY OF SEPTEMBER 19 89

R.S. 40:967 POSS. OF COCAINE

Clerk's Office, Courthouse, Gretna, La.

J. Soto Deputy Clerk

JPG 1219.25

OFFICE OF
JOHN M. MAMOULIDES
DISTRICT ATTORNEY
TWENTY-FOURTH JUDICIAL DISTRICT
PARISH OF JEFFERSON
STATE OF LOUISIANA

OCT 10 1989

10-23

September 26, 1989

U.S. Marshals Service
Eastern District of Louisiana
500 Camp Street
New Orleans, Louisiana 70130

N.O.

RE: Samuel Wallace
DOB [redacted] N/M

Dear Sir:

On February 22, 1989, in the 24th Judicial District, Parish of Jefferson at Gretna, Louisiana, the captioned subject pled not guilty to possession with intent to distribute PCP and possession of cociane. Said subject appeared before the Honorable James Cannella, Judge , Division "N" of the 24th Judicial District Court.

There is now pending in our jurisdiction the trial involving the above matter. The trial is scheduled for October 23, 1989 thru October 27, 1989.

The name and address of the court issuing writ is as follows:

Judge: Honorable James Cannella

Court: 24th Judicial District Court, Parish of Jefferson, State of Louisiana.

Address of Court: Honorable James Cannella, Twenty-Fourth Judicial District Court, Division "N"
Jefferson Parish Courthouse Annex
Gretna, Louisiana 70053

John M. Mamoulides, District Attorney for the Parish of Jefferson, State of Louisiana is making request for production.

The inmate will be confined in the Jefferson Parish Correctional Center, 100 Delhonde Street, Gretna, Louisiana, during legal proceeding.

COURT HOUSE ANNEX GRETNA, LOUISIANA 70053 TELEPHONE (504) 366-1020

It is requested that the inmate be released to the custody of the State of Louisiana, via the Jefferson Parish Sheriff's Office the week of October 23-27, 1989 and that he should be returned to the Federal Custody in the Orleans Parish Prison upon completion of court.

Sincerely,

s/ John J. Molaison Jr.

John J. Molaison, Jr.
Assistant District Attorney
Parish of Jefferson
State of Louisiana

JJM/yh

HARRY LEE SHERIFF

September 22, 1989

U.S. Marshals Service
Eastern District of La.
500 Camp Street
New Orleans, La. 70130

REFERENCE: SAMUEL B. WALLACE
B/M DOB: [redacted]
HOUSED BY SHERIFF FOTI, NOCSO

Dear Sir:

This is to certify that the above-named inmate will be provided safekeeping, custody, and care while in the custody of the Jefferson Parish Correctional Center and that said Jefferson Parish Correctional Center will assume full responsibility for that custody, and will return the inmate on conclusion of the inmate's appearance in the proceeding for which the writ issues, and that I have the full power and authority to make this certification for said Jefferson Parish Correctional Center as the Correctional Administrator for that authority.

Gary Schumbe [signature] 9/22/89
Printed named/signature date

Freida T. Gingin
[signature] 9/22/89
Witness' Printed named/signature date

Jefferson Parish Sheriff's Office P.O. Box 327 • Gretna, La. 70054 • (504) 363-5500

STATE OF LOUISIANA
VS.
SYLVIA M. CLOFER
REGINALD FRANCIS
ARNOLD N. WALLACE ,ET AL

NO. 89-0001
DIVISION N
DATE 10/23/89
COURT REPORTER- SANDI HANCOCK

DISTRICT ATTORNEY: J MOLAISON JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER
REGINALD FRANCIS
ARNOLD N. WALLACE
AUDRY N. WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR DECEMBER 11, 1989.
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.
SAMUEL WALLACE WAS NOT PRESENT--ISSUE WRIT--- FEDERAL

THE NEXT COURT DATE IS 12/11/89 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

DEPUTY CLERK

ON MINUTES
NOV 10

ENTRY 8A

9

STATE OF LOUISIANA
VS.
SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES ,ET AL

NO. 89-0001
DIVISION N
DATE 12/11/89
COURT REPORTER- K WESTMORELAND

DISTRICT ATTORNEY: D GANUCHEAU JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES
ARNOLD N. WALLACE
AUDRY N. WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR FEBRUARY 12, 1990-PT--2-7-90 AT 1:30 PM.
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.
STATE OBJECTED.

THE NEXT COURT DATE IS 02/12/90 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

DEPUTY CLERK

ON MINUTES
DEC 26 1989

ENTRY 9

PAGE 1 OF _____

STATE OF LOUISIANA
VS.
SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES ,ET AL

NO. 89-0001
DIVISION N
DATE 02/13/90
COURT REPORTER- K WESTMORELAND

DISTRICT ATTORNEY: D GANUCHEAU JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES
ARNOLD N. WALLACE
AUDRY N. WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR MARCH 12, 1990--PT--3-7-90 AT 1:30 PM.
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.
STATE OBJECTED.

THE NEXT COURT DATE IS 03/12/90 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

Jan Soto
DEPUTY CLERK

ON MINUTES
FEB 28 1990

ENTRY 10

10

PAGE 1 OF ____

STATE OF LOUISIANA
VS.
SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES ,ET AL

NO. 89-0001
DIVISION N
DATE 03/16/90
COURT REPORTER- SANDI HANCOCK

DISTRICT ATTORNEY: D GANUCHEAU JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES
ARNOLD N. WALLACE
AUDRY N. WALLACE
DID NOT APPEAR BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANTS WERE REPRESENTED BY

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR MAY 14, 1990.
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 05/14/90 AT 09:00 - TRIAL

THE DEFENDANTS WERE REMANDED TO DEPT AT LARGE

DEPUTY CLERK

MAR 23 1990

ENTRY //

PAGE 1 OF _____

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

vs.

SYLVIA M. CLOFER, REGINALD FRANCIS
MELVA M. MAYES, ARNOLD N. WALLACE
AUBRY N. WALLACE, SAMUEL WALLACE

No. 89-1

Division "H" FOR "N"

Date MAY 14, 1990

C.R.—L. BARRAS

DISTRICT ATTORNEY L. ALTERMAN JUDGE H. VONDENSTEIN

CONTINUANCES

The defendant S CLOFER, FRANCIS, ARNOLD WALLACE, AUBRY WALLACE appeared before the bar of the court this day for TRIAL.

He was:

1. (X) represented by JOE TOSH, attorney.
2. ( ) unrepresented.

The TRIAL was ordered:

1. ( ) continued to be reassigned.
2. ( ) continued without date.
3. (X) continued and re-set for JUNE 25, 1990--PT--6-20-90 AT 1:30 PM

The action was taken:

1. ( ) at the request of the assistant district attorney.
2. ( ) at the request of the defendant attorney.
3. ( ) on a joint motion of the assistant district attorney and the attorney for the defendant.
4. (X) by order of the court.

MELVA MAYES AND SAMUEL WALLACE WERE NOT PRESENT.

ON MINUTES
MAY 22

Deputy Clerk

12

Entry No. 12

Crim. #3—Cont.

JPG 1219 04

STATE OF LOUISIANA

VS.

SAMUEL WALLACE [redacted] n/m
DIVISION " N "

24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA
NO: 89-1

* * * * * * * * * * * * * * *

FILED: _____ _____
DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for the Parish of Jefferson, State of Louisiana, respectfully shows this Honorable Court that one SAMUEL WALLACE, is now confined in the U.S. MARSHALLS SERVICE 500 CAMP ST. NEW ORLEANS, LA.

That it is necessary for the aforesaid SAMUEL WALLACE to be present in the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on MONDAY the 25TH day of JUNE, 19 90, at 9:00 a.m., to be TRIED, in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be issued from this Honorable Court to U. S. MARSHALLS SERVICE,500 CAMP ST., NEW ORLEANS, LA., requiring (him, them) to produce the body of SAMUEL WALLACE, before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on MONDAY the 25TH day of JUNE, 1990, at 9:00 a.m., Division "N", at Gretna, Louisiana to be TRIED, for the crime of POS. WITH INTENT TO DIST. PCP, in the above numbered and entitled cause. [redacted]

JUN 14 19 ON MINUTES

Anne Lambert
ASSISTANT DISTRICT ATTORNEY
PARISH OF JEFFERSON
STATE OF LOUISIANA

(3)

O R D E R

Let a Writ of Habeas Corpus Ad Prosequendum be issued to **U.S. MARSHALLS SERVICE, 500 CAMP ST., NEW ORLEANS, LA.**

ordering and directing (him, them) to produce the body of **SAMUEL WALLACE** before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on the **25TH** day of **JUNE**, 19**90**, at **9:00 a.m.**, at Gretna, Louisiana, to be **TRIED** for the crime of **POSS. WITH INTENT TO DIST., PCP, POSS. OF COCAINE** in the matter entitled State of Louisiana vs. **SAMUEL WALLACE** Number **89-1**, of the Criminal Docket of this Court.

Gretna, Louisiana, May 15, 1990.

JUN 14 1990

James L. Cannella
JUDGE

STATE OF LOUISIANA
VS.
SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES ,ET AL

NO. 89-0001
DIVISION N
DATE 06/28/90
COURT REPORTER- SANDI HANCOCK

DISTRICT ATTORNEY: D GANUCHEAU JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES
ARNOLD N. WALLACE
AUDRY N. WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANTS WERE REPRESENTED BY J TOSH

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR AUGUST 13, 1990--PT-7-25-90 AT 1:30.
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.
STATE OBJECTED.

THE NEXT COURT DATE IS 08/13/90 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

Sammy A. Nicholas
DEPUTY CLERK

ON MINUTES
JUL 9 1990

ENTRY 13

PAGE 1 OF _____

OFFICE OF
JOHN M. MAMOULIDES
DISTRICT ATTORNEY
TWENTY-FOURTH JUDICIAL DISTRICT
PARISH OF JEFFERSON
STATE OF LOUISIANA

Aug 13

NCT [redacted] June 29, 1990

Marshall James V. Serio Jr.
U.S. Marshall's Office
500 Camp St.
New Orleans, LA

RE: Samuel Wallace
DOB: [redacted] n/m

Dear Marshall Serio:

On December 15, 1988, May 11,1989, and May 22, 1989, in the 24th Judicial District, Parish of Jefferson at Gretna, Louisiana, the captioned subject was charged with Possession with Intent to Distribute Cocaine, Possession of Cocaine(2cts), Possession with Intent to Distribute PCP and Possession of PCP.

There is now pending in our jurisdiction a trial date set for August 13, 1990.

The name and address of the court issuing writ is as follows:

Judge: Honorable James Cannella

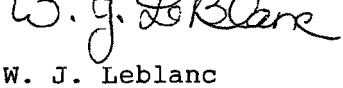
Court: 24th Judicial District Court, Parish of Jefferson, State of Louisiana

Address of Court: Honorable James Cannella, Twenty Fourth Judicial District Court, Division "N"
Jefferson Parish Courthouse Annex
Gretna, Louisiana 70053

John M. Mamoulides, District Attorney for the Parish of Jefferson, State of Louisiana is making request for production.

The aforementioned trial is set for Monday, August 13, 1990 at 9:00 a.m. in Division "N".

Sincerely,



W. J. Leblanc
Assistant District Attorney
Parish of Jefferson
State of Louisiana

HARRY LEE SHERIFF

July 3, 1990

U.S. Marshal
U.S. Dept. of Justice
U.S. Marshals Service
Eastern District of La.
500 Camp Street Rm. 600
New Orleans, La. 70130

REFERENCE: SAMUEL WALLACE
B/M DOB: [redacted]

Dear Sir:

This is to certify that the above-named inmate will be provided safekeeping, custody, and care while in the custody of the Jefferson Parish Correctional Center and that said Jefferson Parish Correctional Center will assume full responsibility for that custody, and will return the inmate on conclusion of the inmate's appearance in the proceeding for which the writ issues, and that I have the full power and authority to make this certification for said Jefferson Parish Correctional Center as the Correctional Administrator for that authority.

Louis Vedros
Printed named/signature — 7/3/90 date

Freida T. Gignoir
Witness' Printed named/signature — 7/3/90 date

DIV. N

WRIT OF HABEAS CORPUS
AD PROSEQUENDUM
STATE OF LOUISIANA, PARISH OF JEFFERSON

JUDGE
JAMES L. CANNELLA

STATE OF LOUISIANA EX REL:

STATE OF LOUISIANA

vs.

SAMUEL WALLACE NM [redacted]

24TH JUDICIAL DISTRICT COURT

for the

PARISH OF JEFFERSON

No. 89-1-89-2, 89-2361, 89-2395

The State of Louisiana to US. MARSHALL'S OFFICE--JAMES V. SERIO, JR.

Greeting:

YOU ARE HEREBY COMMANDED, in the name of the State of Louisiana and of the 24th Judicial District Court for the Parish of Jefferson, to produce before Division "N" of this Court, on MONDAY, the 13TH day of AUGUST, in the year 19 90, at 9:00 ~~XXXX~~ o'clock A. M., the SAID DEFENDANT SAMUEL WALLACE

and to then and there show cause why the said DEFENDANT is detained and why he should not be PRESENT FOR TRIAL

And herein fail not under penalty of the law.

Witness the Honorable JAMES L. CANNELLA Judge of the said Court, this 30TH day of JULY, in the year of our Lord 19 90.

Clerk's Office, Courthouse, Gretna, La., 19

Deputy Clerk.

JPG-1219.99.48

14

STATE OF LOUISIANA

VS.

SAMUEL WALLACE
[redacted] n/m

DIVISION " N "

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 89-1,89-2,89-2361,89-2395

* * * * * * * * * * * * * * *

FILED: _____ _____
DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for the Parish of Jefferson, State of Louisiana, respectfully shows this Honorable Court that one Samuel Wallace, is now confined in the U.S. Marshall's Office.

That it is necessary for the aforesaid Samuel Wallace to be present in the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Monday the 13th day of August, 19 90, at 9:00 a.m., to be Tried, in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be issued from this Honorable Court to Marshall James V. Serio Jr, requiring (him, them) to produce the body of Samuel Wallace, before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Monday the 13th day of August, 19 90, at 9:00 a.m., Division " N ", at Gretna, Louisiana to be Tried, for the crime of Poss.With Intent Dist. Cocaine,Poss. of Cocaine, Poss.With Intent Dist.PCP,Poss.Cocaine, Poss. of PCP in the above numbered and entitled cause.

W. J. LeBlanc

ASSISTANT DISTRICT ATTORNEY
PARISH OF JEFFRSON
STATE OF LOUISIANA

O R D E R

Let a Writ of Habeas Corpus Ad Prosequendum be issued to

Marshall James V. Serio Jr.

ordering and directing (him, them) to produce the body of

Samuel Wallace before the 24th Judicial

District Court for the Parish of Jefferson, State of Louisiana,

on the 13th day of August, 19 90, at

9:00 a.m., at Gretna, Louisiana, to be Tried

for the crime of Poss.W/Int.Dist. Cocaine,Poss.of Cocaine(2cts), Poss.W/Int.Dist.PCP & Poss.PCP in the matter entitled

State of Louisiana vs. Samuel Wallace

Number 89-1,2,2361,2395, of the Criminal Docket of this Court.

Gretna, Louisiana, June 29, 19 90.

James L. Cannella

JUDGE

WRIT OF HABEAS CORPUS
AD PROSEQUENDUM
STATE OF LOUISIANA, PARISH OF JEFFERSON

STATE OF LOUISIANA EX REL:

STATE OF LOUISIANA

vs.

SAMUEL WALLACE NM [redacted]

24TH JUDICIAL DISTRICT COURT

for the

PARISH OF JEFFERSON

No. 89-1-, 89-2, 89-2361,

The State of Louisiana to U.S. MARSHALL'S OFFICE--JAMES V. SERIO, JR.

Greeting:

YOU ARE HEREBY COMMANDED, in the name of the State of Louisiana and of the 24th Judicial District Court for the Parish of Jefferson, to produce before Division "N" of this Court, on MONDAY, the 13TH day of AUGUST, in the year 1990, at 9:00 o'clock A. M., the SAID DEFENDANT SAMUEL WALLCE

and to then and there show cause why the said DEFENDANT is detained and why he should not be PRESENT FOR TRIAL.

And herein fail not under penalty of the law.

Witness the Honorable JAMES L. CANNELLA Judge of the said Court, this 30TH day of JULY, in the year of our Lord 1990.

Clerk's Office, Courthouse, Gretna, La., 19

Deputy Clerk.

JPG-1219.99.48

DIV. N
JUDGE
JAMES L. CANNELLA

James

WRIT OF HABEAS CORPUS
AD PROSEQUENDUM
STATE OF LOUISIANA, PARISH OF JEFFERSON

STATE OF LOUISIANA EX REL: STATE OF LOUISIANA

vs.

SAMUEL WALLACE NM [redacted]

24TH JUDICIAL DISTRICT COURT

for the

PARISH OF JEFFERSON

No. 89-1-, 89-2, 89-2361,

The State of Louisiana to U.S. MARSHALL'S OFFICE--JAMES V. SERIO, JR.

Greeting:

YOU ARE HEREBY COMMANDED, in the name of the State of Louisiana and of the 24th Judicial District Court for the Parish of Jefferson, to produce before Division "N" of this Court, on MONDAY, the 13TH day of AUGUST, in the year 1990, at 9:00 ~~10:00~~ o'clock A. M., the SAID DEFENDANT SAMUEL WALLCE

and to then and there show cause why the said DEFENDANT is detained and why he should not be PRESENT FOR TRIAL.

And herein fail not under penalty of the law.

Witness the Honorable JAMES L. CANNELLA Judge of the said Court, this 30TH day of JULY, in the year of our Lord 19 90

Clerk's Office, Courthouse, Gretna, La. 19

Deputy Clerk.

JPG-1219.99.48

DIV. N
JUDGE
JAMES L. CANNELLA

29

STATE OF LOUISIANA

vs.

SAMUEL WALLACE
[redacted] n/m

DIVISION " N "

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 89-1,89-2,89-2361,89-2395

* * * * * * * * * * * * * * *

FILED: _____ _____
DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for the Parish of Jefferson, State of Louisiana, respectfully shows this Honorable Court that one Samuel Wallace, is now confined in the U.S. Marshall's Office.

That it is necessary for the aforesaid Samuel Wallace to be present in the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Monday the 13th day of August, 19 90, at 9:00 a.m., to be Tried, in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be issued from this Honorable Court to Marshall James V. Serio Jr., requiring (him, them) to produce the body of Samuel Wallace, before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Monday the 13th day of August, 19 90, at 9:00 a.m., Division " N ", at Gretna, Louisiana to be Tried, for the crime of Poss.With Intent Dist. Cocaine,Poss. of Cocaine, Poss.With Intent Dist.PCP,Poss.Cocain Poss. of PCP in the above numbered and entitled cause.

W. J. LeBlanc

ASSISTANT DISTRICT ATTORNEY
PARISH OF JEFFRSON
STATE OF LOUISIANA

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

VS.

SYLVIA M. CLOFER, REGINALD FRANCIS, MELVA A. MAYES, ARNOLD N. WALLACE, AUDRY N. WALLACE SAMUEL WALLACE

No. 89-1

Division "N"

Date AUGUST 16, 1990

C.R.-K. WESTMORELAND

DISTRICT ATTORNEY W. J. LEBLANC JUDGE J. CANNELLA

CONTINUANCES

The defendant S appeared before the bar of the court this day for TRIAL.
SAMUEL WALLCE IS IN FEDERAL CUSTODY.

He was:

1. (X) represented by JOE TOSH, attorney.

2. ( ) unrepresented.

The TRIAL was ordered:

1. ( ) continued to be reassigned.

2. ( ) continued without date.

3. (XXX) continued and re-set for OCTOBER 15, 1990

The action was taken:

1. ( ) at the request of the assistant district attorney.

2. (X) at the request of the defendant attorney.

3. ( ) on a joint motion of the assistant district attorney and the attorney for the defendant.

4. ( ) by order of the court.

ON MINUTES AUG 29 1990

Jan Soto
Deputy Clerk

14

Entry No. 14

Crim. #3—Cont.

JPG 1219 94

STATE OF LOUISIANA

VS.

SAMUEL WALLACE
4-6-58 n/m
DIVISION " N "

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 89-2361,2395,89-1

* * * * * * * * * * * * * * *

FILED: _____ _____
DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for the Parish of Jefferson, State of Louisiana, respectfully shows this Honorable Court that one Samuel Wallace, is now confined in the Federal Penitentiary Oakdale, LA.

That it is necessary for the aforesaid Samuel Wallace to be present in the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Tuesday the 16th day of October, 19 90, at 9:00 a.m., to be Tried, in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be issued from this Honorable Court to the Warden of Oakdale Federal Penitentiary, requiring (him, them) to produce the body of Samuel Wallace, before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Tuesday the 16th day of October, 19 90, at 9:00 a.m., Division " N", at Gretna, Louisiana to be Tried, for the crime of Poss.W/Int.Dist. Cocaine,PCP, & Poss. of Cocaine (2cts) in the above numbered and entitled cause.

W.J. LeBlanc/BB

ASSISTANT DISTRICT ATTORNEY
PARISH OF JEFFRSON
STATE OF LOUISIANA

iss attach
9-28

O R D E R

Let a Writ of Habeas Corpus Ad Prosequendum be issued to the Warden of Oakdale Federal Penitentiary ordering and directing (him, them) to produce the body of Samuel Wallace before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on the 16th day of October, 19 90, at 9:00 a.m., at Gretna, Louisiana, to be Tried for the crime of Poss.W/I.Dist. Cocaine, PCP, & Poss.of Cocaine(2 ct) in the matter entitled State of Louisiana vs. Samuel Wallace Number 89-1,2361,2395, of the Criminal Docket of this Court.

Gretna, Louisiana, August 27, 19 90.

James L. Cannella
JUDGE

ON MINUTES
FEB 19 1991

issued

STATE OF LOUISIANA

VS.

SAMUEL WALLACE
[redacted] n/m
DIVISION "N"

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 89-1,2361,2395

* * * * * * * * * * * * * * *

FILED: _____ _____
DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for the Parish of Jefferson, State of Louisiana, respectfully shows this Honorable Court that one Samuel Wallace, is now confined in the Oakdale Federal Detention Center P.O. Box 5050 Oakdale, LA

That it is necessary for the aforesaid Samuel Wallace _____ to be present in the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Tuesday the 16th day of October, 19 90, at 9:00 a.m., to be Tried, in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be issued from this Honorable Court to Lt. William Giangrosso Jefferson Parish Sheriff's Office Transportation Division, requiring (him, them) to produce the body of Samuel Wallace, before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Tuesday the 16th day of October, 19 90, at 9:00 a.m., Division "N", at Gretna, Louisiana to be Tried, for the crime of Poss.W/Int.Dist.Cocaine,PCP,& Poss. of Cocaine (2cts), in the above numbered and entitled cause.

W. J. LeBlanc

ASSISTANT DISTRICT ATTORNEY
PARISH OF JEFFRSON
STATE OF LOUISIANA

10-1
cso

O R D E R

Let a Writ of Habeas Corpus Ad Prosequendum be issued to Oakdale Federal Detention Center P.O. Box 5050 Oakdale, LA ordering and directing (him, them) to produce the body of Samuel Wallace before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on the 16th day of October, 19 90, at 9:00 a.m., at Gretna, Louisiana, to be Tried for the crime of Poss.W/Int.Dist. Cocaine,PCP,& Poss. of Cocaine(2cts) the matter entitled State of Louisiana vs. Samuel Wallace Number 89-1,2361,2395, of the Criminal Docket of this Court.

Gretna, Louisiana, September 28, 19 90.

James L. Cannella
JUDGE

ON MINUTES
FEB 13 1991

DIV. N

WRIT OF HABEAS CORPUS
AD PROSEQUENDUM
STATE OF LOUISIANA, PARISH OF JEFFERSON

JUDGE
JAMES L. CANNELLA

STATE OF LOUISIANA EX REL:

STATE OF LOUISIANA

vs.

SAMUEL WALLACE NM 4-6-58

24TH JUDICIAL DISTRICT COURT

for the

PARISH OF JEFFERSON

No. 89-1, 89-2, 89-2361, 89-2395

The State of Louisiana to LT. WILLIAM GIANGROSSO JEFFERSON PARISH SHERIFF'S OFFICE TRANSPORTATION DIVISION Greeting:

YOU ARE HEREBY COMMANDED, in the name of the State of Louisiana and of the 24th Judicial District Court for the Parish of Jefferson, to produce before Division "N" of this Court, on TUESDAY, the 16TH day of OCTOBER, in the year 1990, at 9:00 A./M ~~10:00~~ o'clock A. M., the SAID DEFENDANT SAMUEL WALLACE

and to then and there show cause why the said DEFENDANT is detained and why he should not be PRESENT FOR TRIAL

And herein fail not under penalty of the law.

Witness the Honorable JAMES L. CANNELLA Judge of the said Court, this 1ST day of OCTOBER, in the year of our Lord 190

Clerk's Office, Courthouse, Gretna, La., 10-1-90 19

Deputy Clerk.

JFG-1219.99.48

10

STATE OF LOUISIANA

VS.

SAMUEL WALLACE
[redacted] n/m
DIVISION "N"

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 89-1,2361,2395

* * * * * * * * * * * * * * *

FILED: _____ _____
DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO THE HONORABLE, THE TWENTY FOURTH JUDICIAL DISTRICT COURT IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of John M. Mamoulides, District Attorney for the Parish of Jefferson, State of Louisiana, respectfully shows this Honorable Court that one Samuel Wallace, is now confined in the Oakdale Federal Detention Center P.O. Box 5050 Oakdale, LA

That it is necessary for the aforesaid Samuel Wallace to be present in the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Tuesday the 16th day of October, 19 90, at 9:00 a.m., to be Tried, in the above numbered and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court do forthwith order a Writ of Habeas Corpus Ad Prosequendum to be issued from this Honorable Court to Lt. William Giangrosso Jefferson Parish Sheriff's Office Transportation Division, requiring (him, them) to produce the body of Samuel Wallace, before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Tuesday the 16th day of October, 19 90, at 9:00 a.m., Division "N", at Gretna, Louisiana to be Tried, for the crime of Poss.W/Int.Dist.Cocaine,PCP,& Poss. of Cocaine (2cts), in the above numbered and entitled cause.

W. J. LeBlanc

ASSISTANT DISTRICT ATTORNEY
PARISH OF JEFFRSON
STATE OF LOUISIANA

O R D E R

Let a Writ of Habeas Corpus Ad Prosequendum be issued to

~~Oakdale Federal Detention Center P.O. Box 5050 Oakdale, LA~~

ordering and directing (him, them) to produce the body of

Samuel Wallace before the 24th Judicial

District Court for the Parish of Jefferson, State of Louisiana,

on the 16th day of October, 19 90, at

9:00 a.m., at Gretna, Louisiana, to be Tried

for the crime of Poss.W/Int.Dist.

Cocaine,PCP,& Poss. of Cocaine(2cts) the matter entitled

State of Louisiana vs. Samuel Wallace

Number 89-1,2361,2395, of the Criminal Docket of this Court.

Gretna, Louisiana, September 28, 19 90.

s/ James L. Cannella
JUDGE

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH. JUDICIAL DISTRICT COURT,
PARISH OF JEFFERSON, LA.

TWENTY-FOURTH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. N

JUDGE

NUMBER 89-1 DIVISION JAMES L. CANNELLA

STATE OF LOUISIANA

vs.

SAMUEL WALLACE

Filed 10/15 Jan Soto

DEFENDANT'S ACKNOWLEDGEMENT OF CONSTITUTIONAL RIGHTS AND WAIVER OF RIGHTS ON ENTRY OF A PLEA OF GUILTY

TO THE DEFENDANT, BY THE TRIAL JUDGE PERSON-TO-PERSON:

Your attorney has indicated to me that he has advised you of your rights (1) to a trial by jury, (2) to confront your accusers, and (3) against self-incrimination and that by entering a plea of guilty, you are waiving or giving up these rights. He has also indicated to me that you have advised him that you understand these things. Is that correct?

I want you to convince me also that you understand what you are doing by entering this plea of guilty. Consequently, I am going to explain the nature of the crime to which you are pleading guilty and I will also explain the consequences of a plea of guilty. If you have any questions, or if you do not understand anything I say, stop me and I will answer your questions and give you any additional instructions which you may desire.

32 D/B 4/6/58 11th grade

First, tell this court how old you are? And how much schooling have you had?

1. You are pleading guilty to the crime of simple possession of Cocaine and simple possession of Phencyclidine 5 years 20 years

which occured on the 15th day of December, 19 88. The maximum sentence which I can impose is 5 & 20 years at hard labor. There is no probation, parole or suspension of sentence for the crime of Armed Robbery or Attempted Armed Robbery. Do you understand that?

2. Do you understand that the plea of guilty is your decision, and no one can force you to so plead? To plead guilty is your voluntary act and must be free from any vice or defect which would render your ability to plead guilty inadeq Has anyone used any force, intimidation, coercion or promise or reward against either you or any member of your family for the purpose of making or forcing you to plead guilty?

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

vs.

SAMUEL WALLACE

No. 89-1

Division "N"

Date OCTOBER 15, 1990

C.R.-SANDI HANCOCK

DISTRICT ATTORNEY W. J. LEBLANC JUDGE J. CANNELLA

SENTENCE

The defendant SAMUEL WALLACE appeared before the bar of the court this day represented by MARTIN REGAN, Attorney. The defendant tendered to the State a plea of GUILTY to:

1. (X) the bill amended by the District Attorney to read R.S.40:967 POSSESSION OF COCAINE UNDER 200 GRAMS

2. ( ) the crime of

The defendant waived the reading of the bill and the plea was acceptable to the State. The Court advised the defendant of all of his rights including his right to a trial by jury, his right to confront his accusers and his right against self-incrimination and the defendant acknowledged that he understood. The defendant waived these rights and a waiver of rights was executed and filed into the record. The defendant waived all legal delays and requested immediate sentencing. The Court sentenced the defendant to imprisonment at hard labor for a term of FIVE (5) YEARS giving the defendant credit for the time served from AUGUST 1, 1989. The defendant is committed to the Louisiana Department of Corrections for execution of sentence in conformity with L.S.A.-R.S. 15:824. The defendant reported his date of birth as 4-6-58 and his age as.

THIS SENTENCE IS TO RUN CONCURRENTLY WITH THE SENETNCE IMPOSED IN CASE NO. 89-2, 89-2361, 89-2395 AND FEDERAL SENTENCE 89296-001.

Jan Soto
Deputy Clerk

NOV 8 1990 MINUTES

Entry No. 15

Crim. #5—Sent. LOC—Am. Plea

TWENTY-FOURTH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

HARD LABOR

DIVISION "N" DOB: [redacted]

NO. 89-1 ITEM NO. L-11183-88

COMMITMENT

WHEREAS SAMEUL WALLACE

was by due form of law lately PLED before our 24th Judicial District Court for the Parish of Jefferson of Violating Revised Statute 40:967 POSSESSION OF COCAINE UNDER 200 GRAMS

and was thereupon sentenced to imprisonment at hard labor, for FIVE (5) YEARS--CREDIT FOR TIME SERVED FROM AUGUST 1, 1989.

and defendant is committed to the Louisiana Department of Corrections for execution of said sentence in conformity with L. S. A. - R. S. 15:824.

THIS SENTENCE IS TO RUN CONCURRENTLY WITH THE SENTENCE IMPOSED IN CASE NO. 89-2 AND 89-2361, 89-2395 AND FEDERAL SENTENCE 89296-001.

NOW, THEREFORE, You, the said Sheriff, are hereby commanded to carry out in full every part of the aforesaid sentence. And for so doing this shall be your sufficient warrant and authority.

WITNESS, JAMES L. CANNELLA, JUDGE

presiding in the 24th Judicial District Court, Division "N",

Parish of Jefferson, at the Hall of Sittings of the same, in the City of Gretna,

this 15TH day of OCTOBER

in the year of our Lord, one thousand nine hundred and NINETY

James L. Cannella
JUDGE

ON MINUTES NOV 8 1990

JPG 1219.69.1

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

VS.

No. 89-1

SYLVIA M. CLOFER, REGINALD FRANCIS
MELVA A. MAYES, ARNOLD N. WALLACE,
AUDRY N. WALLACE

Division "N"

Date OCTOBER 17, 1990

DISTRICT ATTORNEY W. J. LEBLANC JUDGE J. CANNELLA

TRIAL IN THIS MATTER IS CONTINUED AND RESET FOR DECEMBER 3, 1990 AT THE REQUEST OF THE DEFENSE COUNSEL, JOE TOSH.

ON MINUTES
NOV 8 1990

DEPUTY CLERK

Entry No. 15A

C of C #193

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

VS.

No. 89-1, 89-2

SYLVIA CLOFER, MELVA A. MAYES
AUBRY WALLACE, REGINALD FRANCIS
ARNOLD N. WALLACE

Division "N"

Date DECEMBER 3, 1990
C.R.-JACK LAWRENCE

DISTRICT ATTORNEY W. J. LEBLANC JUDGE J. CANNELLA

CONTINUANCES

The defendant S SYLVIA CLOFER, REGINALD FRANCIS, ARNOLD N. WALLACE appeared before the bar of the court this day for TRIAL.
MELVA MAYES, AUBRY WALLACE (DID NOT APPEAR)

He was:

1. ( ) represented by _____, attorney.

2. (X) un represented.

The TRIAL was ordered:

1. ( ) continued to be reassigned.

2. ( ) continued without date.

3. (X) continued and re-set for JANUARY 28, 1991--PT--1-23-91 AT 1:30 P.M.

The action was taken:

1. ( ) at the request of the assistant district attorney.

2. (X) at the request of the defendant attorney.

3. ( ) on a joint motion of the assistant district attorney and the attorney for the defendant.

4. ( ) by order of the court.

ON MINUTES
DEC 10 1990

16

Deputy Clerk

Entry No. 16

STATE OF LOUISIANA
VS.
SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES

NO. 89-0001
DIVISION N
DATE 01/30/91
,ET AL COURT REPORTER- KERRY WESTMOREL

DISTRICT ATTORNEY: W.J. LEBLANC JUDGE: JAMES CANNELLA

THE DEFENDANTS SYLVIA M. CLOFER
REGINALD FRANCIS
MELVA A. MAYES
ARNOLD N. WALLACE
AUDRY N. WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANTS WERE REPRESENTED BY

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR FEBRUARY 6,1991 AT 9:00 A.M..
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 02/06/91 AT 09:00 - TRIAL

THE DEFENDANTS WERE ENLARGED.

DEPUTY CLERK

ON MINUTES
FEB 13 1991

ENTRY 17

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

VS.

No. 89-1

SYLVIA M. CLOFER, REGINALD FRANCIS, MELVA A. MAYES, ARNOLD N. WALLACE, AUDREY WALLACE

Division "N"

Date 2-6-91

C.R.-K. WESTMORELAND

DISTRICT ATTORNEY W.J. LEBLANC JUDGE J. CANNELLA

CONTINUANCES

The defendant[S] _____ appeared before the bar of the court this day for TRIAL.

He was:

1. (X) represented by JOE TOSH, attorney.
2. ( ) un represented.

The TRIAL was ordered:

1. ( ) continued to be reassigned.
2. ( ) continued without date.
3. (X) continued and re-set for FEBRUARY 25, 1991

The action was taken:

1. ( ) at the request of the assistant district attorney.
2. (X) at the request of the defendant attorney.
3. ( ) on a joint motion of the assistant district attorney and the attorney for the defendant.
4. ( ) by order of the court.

STATE OBJECTED.

ON MINUTES FEB 13 1991

18

Deputy Clerk

Entry No. 18

STATE OF LOU[illegible]A

NO. 8[illegible] 89-2

24TH JUDICIAL DISTRICT COURT

VS
REGINALD FRANCIS
SYLVIA CLOFER
ARNOLD WALLACE
AUBREY WALLACE

PARISH OF JEFFERSON

STATE OF LOUISIANA

* * * * * * * * * * * * * * *

FILED: _____ _____
DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

TO THE HONORABLE, THE TWENTY-FOURTH JUDICIAL DISTRICT COURT IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The Petition of JOHN M. MAMOULIDES, District Attorney for the Parish of Jefferson, State of Louisiana, respectfully shows this Honorable Court that one Samuel Wallace is now confined in the Oakdale Federal Detention Center.

That it is necessary for the aforesaid Samuel Wallace, to be present in the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Monday, the 25th day of February, at 9:00 a.m. Division N, to testify in the above number and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court do forthwith order a Writ of Habeas Corpus Ad Testificandum to issue from this Honorable Court to Lt. William Giangrosso Jefferson Parish Sheriff Office, requiring him to produce the body of Samuel Wallace, before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Monday, the 25th day of February, 19 91, Division N at Gretna, Louisiana, to testify, in the above numbered and entitled cause.

ASSISTANT DISTRICT ATTORNEY
PARISH OF JEFFERSON
STATE OF LOUISIANA

36

2-1 of iso attach on Sam Wallace

ORDER

Let a Writ of Habeas Corpus Ad Testificandum be issued to Lt. William Giangrosso Jefferson Parish Sheriff's Office ordering and directing him to produce the body of Samuel Wallace _____ before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on the 25th day of February, 19 91, at 9:00 a.m. Division _____, at Gretna, Louisiana, to testify _____, in the matter entitled State of Louisiana vs Sylvia Clofer, Reginald Francis, Arnold Wallace & Aubrey Wallace number 89-1 & 89-2 of the Criminal Docket for this Court.

Gretna, Louisiana, February 6, 19 91.

James L. Cassel
JUDGE

ON MINUTES
FEB 13 1991

2-25

DIV. N

JUDGE
JAMES L. CANNELLA

WRIT OF HABEAS CORPUS
AD TESTIFICANDUM
STATE OF LOUISIANA, PARISH OF JEFFERSON

STATE OF LOUISIANA EX REL:

STATE OF LOUISIANA

vs.

REGINAL FRANCIS, SYLVIA CLOFER,
ARNOLD WALLACE, AUBREY WALLACE

24TH JUDICIAL DISTRICT COURT

for the

PARISH OF JEFFERSON

No. 89-1, 89-2

The State of Louisiana to LT. WILLIAM GIANGROSSO, JEFFERSON PARISH SHERIFF OFFICE

Greeting:

YOU ARE HEREBY COMMANDED, in the name of the State of Louisiana and of the 24th Judicial District Court for the Parish of Jefferson, to produce before Division "N" of this Court, on MONDAY, the 25TH day of FEBRUARY, in the year 1991, at 9:00 ~~10:00~~ o'clock A. M., the SAID ~~DEFENDANT~~ WITNESS--SAMUEL WALLACE

and to then and there show cause why the said DEFENDANT is detained and why he should not be PRESENT FOR -- TO TESTIFY

And herein fail not under penalty of the law.

Witness the Honorable JAMES L. CANNELLA Judge of the said Court, this 7TH day of FEBRUARY, in the year of our Lord 1991.

Clerk's Office, Courthouse, Gretna, La., 2-7- 1991.

Deputy Clerk.

JPG-1219.99.48

ON MINUTES
MAR 18 1991

23

STATE OF L[illegible]NA

NO. [illegible] & 89-2

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

VS

REGINALD FRANCIS
SYLVIA CLOFER
ARNOLD WALLACE
AUBREY WALLACE

* * * * * * * * * * * * * * *

FILED: _____ _____
DEPUTY CLERK

PETITION AND ORDER FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

TO THE HONORABLE, THE TWENTY-FOURTH JUDICIAL DISTRICT COURT IN AND FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The Petition of JOHN M. MAMOULIDES, District Attorney for the Parish of Jefferson, State of Louisiana, respectfully shows this Honorable Court that one Samuel Wallace is now confined in the Oakdale Federal Detention Center.

That it is necessary for the aforesaid Samuel Wallace, to be present in the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Monday, the 25th day of February, at 9:00 a.m. Division N, to testify in the above number and entitled cause.

WHEREFORE, your petitioner prays that this Honorable Court do forthwith order a Writ of Habeas Corpus Ad Testificandum to issue from this Honorable Court to Lt. William Giangrosso Jefferson Parish Sheriff Office, requiring him to produce the body of Samuel Wallace, before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on Monday, the 25th day of February, 19 91, Division N at Gretna, Louisiana, to testify, in the above numbered and entitled cause.

ASSISTANT DISTRICT ATTORNEY
PARISH OF JEFFERSON
STATE OF LOUISIANA

ORDER

Let a Writ of Habeas Corpus Ad Testificandum be issued to Lt. William Giangrosso Jefferson Parish Sheriff's Office ordering and directing him to produce the body of Samuel Wallace before the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana, on the 25th day of February, 19 91, at 9:00 a.m. Division _____, at Gretna, Louisiana, to testify, in the matter entitled State of Louisiana vs Sylvia Clofer, Reginald Francis, Arnold Wallace & Aubrey Wallace number 89-1 & 89-2 of the Criminal Docket for this Court.

Gretna, Louisiana, February 6, 19 91.

ON MINUTES MAR 18 1991

ON MINUTES MAR 18 1991

9/ James L. Cassell
JUDGE

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH. JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

VS.

No. 89-1

SYLVIA CLOFER, REGINALD FRANCIS,
MELVA A. MAYES, ARNOLD WALLACE
AUBRY WALLACE

Division "N"

Date FEBRUARY 25, 1991

DISTRICT ATTORNEY W.J.LEBLANC JUDGE J. CANNELLA

THE DEFENDANTS APPEARED BEFORE THE BAR OF THE COURT REPRESENTED BY JOE TOSH.

BONDS REVOKED--DEFENDANTS REMANDED TO PARISH PRISON TO BE HELD FOR TRIAL.

ON MINUTES
MAR 18 1991

DEPUTY CLERK

19

Entry No. 18A
C of C #183

STATE OF LOUISIANA
VS.
AUBREY WALLACE
DIVISION " N "

24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA
NO: 89-1 & 2

* * * * * * * * * * * * * * *

FILED: 2-26-91 Jan Soto
DEPUTY CLERK

NOTICE OF INTENTION TO USE AND INTRODUCE
STATEMENT OF DEFENDANT IN EVIDENCE

NOW INTO COURT, comes John M. Mamoulides, District Attorney in and for the Parish of Jefferson, State of Louisiana, Twenty Fourth Judicial District Court, and on suggesting to the Court that in accordance with the provisions of Article 768 of the Code Criminal Procedure for the State of Louisiana, he hereby gives notice that the State intends to use and introduce in evidence in the trial of the above entitled and numbered matter, certain Oral Statements made by the defendant to Agt. Orgeron, on the date of December 15, 1988, at approximately 9:00 p.m., given at Marrare, LA and that a copy of this notice has been given to defendant's counsel.

Gretna, Louisiana, this 26th day of February, 1991.

ON MINUTES
MAR 18 1991

ASSISTANT DISTRICT ATTORNEY
PARISH OF JEFFERSON
STATE OF LOUISIANA

JPG 1229.81

STATE OF LOUISIANA, PARISH OF JEFFERSON
Twenty-Fourth Judicial District Court

State of Louisiana
VS.

AUBRY WALLACE

No.: 89-1
Complaint No.: L-11183-88
Division: "N"
Date: FEBRUARY 26, 1991

HARD LABOR PLEA SENTENCING FORM

DISTRICT ATTORNEY: W.J. LEBLANC **JUDGE:** J. CANNELLA

The Defendant AUBRY WALLACE appeared before the bar of the Court this day. He/She was represented by JOE TOSH, Attorney. The Defendant withdrew his/her plea of not guilty and tendered to the State a plea of GUILTY TO POSSESSION OF COCAINE OVER 28, GRAMS--COUNT ONE AND GUILTY TO POSSESSION OF PCP--COUNT TWO, which plea was acceptable to the State. The Court advised the Defendant of his/her rights. The Defendant waived these rights and a Waiver of Rights was executed and filed into the record. The Defendant waived/did not waive all legal delays. The Court sentenced the Defendant to imprisonment at Hard Labor for a term of FIVE (5) YEARS ON EACH COUNT TO RUN CONCURRENTLY, COUNT ONE IS WITHOUT BENEFITS OF PAROLE, PROBATION OR SUSPENSION OF SENTENCE. giving the Defendant credit for time served. The Defendant is committed to the Louisiana Department of Corrections for execution of said sentence in conformity with L.S.A.-R.S. 15:824.

The Defendant reported HIS date of birth as 6-28-59 and _____ age as _____ years.

DEPUTY CLERK

Reported by: K. WESTMORELAND

NOW, THEREFORE, You, the said Sheriff, are hereby commanded to carry out in full every part of the aforesaid sentence. And for so doing this shall by your sufficient warrant and authority.

WITNESS, JAMES L. CANNELLA, JUDGE presiding in the 24th Judicial District Court, Division "N", Parish of Jefferson, at the Hall of Sittings of the same, in the City of Gretna, this 26TH day of FEBRUARY in the year of our Lord, one thousand nine hundred and NINETY ONE

JUDGE

ON MINUTES MAR 18 1991

Entry No.: 193

FORMS\HD-LABOR.FRM

TWENTY-FOURTH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. N

JUDGE

NUMBER 89-1 DIVISION JAMES L. CANNELLA

STATE OF LOUISIANA

vs.

Aubrey N. Wallace

Filed 2-26-91 Jan Soto

DEFENDANT'S ACKNOWLEDGEMENT OF CONSTITUTIONAL RIGHTS AND WAIVER OF RIGHTS ON ENTRY OF A PLEA OF GUILTY

TO THE DEFENDANT, BY THE TRIAL JUDGE PERSON-TO-PERSON:

Your attorney has indicated to me that he has advised you of your rights (1) to a trial by jury, (2) to confront your accusers, and (3) against self-incrimination and that by entering a plea of guilty, you are waiving or giving up these rights. He has also indicated to me that you have advised him that you understand these things. Is that correct?

I want you to convince me also that you understand what you are doing by entering this plea of guilty. Consequently, I am going to explain the nature of the crime to which you are pleading guilty and I will also explain the consequences of a plea of guilty. If you have any questions, or if you do not understand anything I say, stop me and I will answer your questions and give you any additional instructions which you may desire.

31 6/28/59 #Sgradwell

First, tell this court how old you are? And how much schooling have you had?

1. You are pleading guilty to the crime of RS. 40:966 Possession of PCP RS 40:967-Possession of Cocaine (28 grams)

which occured on the 15 day of December, 19 88. The maximum sentence which I can impose is 50 years at hard labor. There is no probation, parole or suspension of sentence for the crime of Armed Robbery or Attempted Armed Robbery. Do you understand that?

2. Do you understand that the plea of guilty is your decision, and no one ca force you to so plead? To plead guilty is your voluntary act and must be fre from any vice or defect which would render your ability to plead guilty inade Has anyone used any force, intimidation, coercion or promise or reward agains either you or any member of your family for the purpose of making or forcing you to plead guilty?

BY THE DEFENDANT:

I, as the defendant in this case, acknowledge that the foregoing has been read to me, that my attorney and the trial judge have explained the nature of the crime to which I am pleading guilty, all of my rights to me, and what rights I am waiving or giving up, as listed above, and that I have been given every opportunity by the trial judge to ask questions in open court about anything I do not understand and about all of the consequences regarding my plea of guilty. I am completely satisfied with the explanations of my attorney and the judge.

I FURTHER ACKNOWLEDGE THAT MY ACT OF PLEADING GUILTY IS A KNOWING INTELLIGENT FREE AND VOLUNTARY ACT ON MY PART. I know that no one can force me to plead guilty I know that by pleading guilty I admit I committed the said crime. I know this plea of guilty is more than a confession. It is also a conviction. Nothing remains except for the Judge to give judgment and give me my punishment. I waive all delays for sentencing and acknowledge I am ready for sentencing.

Aubrey Wallace
DEFENDANT

BY THE TRIAL JUDGE:

I, as trial judge, have entered into the foregoing colloquy with the defendant. I am entirely satisfied that the defendant was aware of the nature of the crime to which he or she has plead guilty, that the defendant did in fact commit said crime, understands the consequences of said plea of guilty and has made a knowing, intelligent, free and voluntary act of pleading guilty to above mentioned crime. I, therefore, accept the defendant's plea of guilty.

2/26/91
DATE

James R Cassella
JUDGE

ON MINUTES
MAR 18 1991

Lon II 6-15-89

A

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

2005

No. 892360

CRIMINAL RECORD

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

THE STATE OF LOUISIANA

VS. 49

AUBRY N. WALLACE

97176-01 atty fees

Charge R.S. 14:62.2 SIMPLE BURGLARY OF AN INHABITED DWELLING

Assistant District Attorney

Joseph Tash
300 H. [illegible]
Gretna, La

Attorney for Defendant

Date of Filing JUNE 7,1989 Deputy Clerk Deborah Mayer

~~BOND 17,700.00 RET () BERNICE WALLACE 6305 4th ST. #2A MARRERO LA.~~ ~~(Forfeited)~~ (Bond Re-Instated)

~~BOND 2,500.00 RET () AMERICAN BANKERS INS CO. 221 DERBIGNY ST. GRETNA LA.~~ ~~(Forfeited)~~ (Bond Re-Instated)

HP EXHIBIT 82

TWENTY-FOURTH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

I, Mary Mier Deputy Clerk of the twenty-fourth Judicial District Court, for the Parish of Jefferson, do hereby certify, that the record filed Herewith is a true copy of the Original record of Pleadings, evidence and documents in the matter entitled: STATE OF LOUISIANA

VERSUS

Aubry N Wallace

Bearing number 89-2360

IN TESTIMONY WHREROF, I have here unto set my hand and affixed the seal of said Court, at Gretna, Louisiana, in the Year of Our Lord, Two Thousand and Nine and in the 233rd Year of the Independence of the United States of America.

Mary Mier

DEPUTY CLERK

THE STATE OF LOUISIANA | **Parish of Jefferson**

Twenty-Fourth Judicial District | **S.S.**

Twenty-Fourth Judicial District Court

JOHN M. MAMOULIDES, District Attorney, of the Twenty-Fourth Judicial District Court of the State of Louisiana, who, in the name and by the authority of the said State, prosecutes in its behalf, in proper person comes into the Twenty-Fourth Judicial District Court of the State of Louisiana, in and for the PARISH OF JEFFERSON and gives the said Court here to understand and be informed that one

AUBRY N. WALLACE

late of the Parish aforesaid, on or about the EIGHTH day of MAY in the year of our Lord One Thousand Nine Hundred EIGHTY-NINE with force and arms, in the Parish aforesaid, and within the jurisdiction of the Twenty-Fourth Judicial District Court of Louisiana, in and for the Parish aforesaid, violated R. S. 14:62.2 in that he did commit simple burglary of the inhabited dwelling and structure number 2636 Woodmere St., Harvey, LA, belonging to Lawrence Kornman, with the intent to commit a theft therein,

contrary to the form of the Statute of the State of Louisiana, in such case made and provided, and against the peace and dignity of the State.

Assistant District Attorney

COMPLAINT NUMBER E-6745-89

II

Form # JPG-1229.99.14

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, _____, and that they were placed thereon by said defendant this _____ day of _____, 19_____.

_____
Deputy Sheriff

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, _____, and that they were placed thereon by said defendant this _____ day of _____, 19_____.

_____
Deputy Sheriff

R. Thumb	R. Index	R. Middle	R. Ring	R. Little
L. Thumb	L. Index	L. Middle	L. Ring	L. Little

I hereby certify that the above and foregoing fingerprints on this bill are the fingerprints of the defendant, _____, and that they were placed thereon by said defendant this _____ day of _____, 19_____.

_____
Deputy Sheriff

Filed ..... 19 .....
Deputy Clerk

No. 892360

The State of Louisiana

VS.

AUBRY N. WALLACE

1521 Amue Blvd
apt 42
Marrero, La

INFORMATION FOR

R.S. 14:62.2
SIMPLE BURGLARY OF AN INHABITED DWELLING

JOHN M. MAMOULIDES
DISTRICT ATTORNEY

STATE OF LOUISIANA

VS.

AUBRY N. WALLACE
N/M DOB [redacted]

NO.

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FILED FOR RECORD
MAY 8 5 10 PM '89
CLERK OF COURT
JEFFERSON PARISH, LA

ORDER

IT IS ORDERED by the Court that a bail or appearance bond in the sum of TWENTY THOUSAND AND TWO HUNDRED DOLLARS ($ 20,200.00 DOLLARS, returnable WHEN NOTIFIED, be and the same is hereby fixed in the matter of the above defendant, who is being held on the charge of CT.1) SIMPLE BURGLARY RES., CT.2) RESIST ARREST BY FLIGHT, CT.3) RESIST ARREST BY FLIGHT

said bond to be taken and the surety thereon approved by the Sheriff of this Parish or one of his deputies, in accordance with law.

GRETNA, LOUISIANA, MAY 8, 19 89.

CT.1)	$20,000.00	
CT.2)	100.00	
CT.3)	100.00	
	$20,200.00	C/C

ON MINUTES
AUG 8 1989

JUDGE

JPG 1219.51

CRIM. #15.

SUBPOENA

No. 89-2360

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M AUBRY N. WALLACE
6305 4TH STREET, BLDG. 2, APT. A.
MARRERO, LA.

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 21ST day of JULY in the year of Our Lord 19 89 at 9:00 A.M. for the purpose of: ARRAIGNMENT in the above entitled matter.

CHARGE: R.S. 14:62.2 SIMPLE BURGLARY OF AN INHABITED DWELLING
BRING YOUR ATTORNEY

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. JUNE 16, 1989

Barbara Downey
Deputy Clerk

JUN 20 1989

C of C #79

2010

PERSONAL

Received on _____ 19 and on _____ 19

I served a true copy of the within _____

on _____

_____ herein named in person in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19

_____

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on June 20 1989 and on June 20 89 19

I served a true copy of the within Subpoena

on Aubrey N. Wallace

herein named by leaving the same at his domicile in the Parish of Jefferson

in the hands of June Wallace

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said June Wallace

the said Aubrey N. Wallace his herein named, being

temporarily asbsent from his residence at the time of said service.

Service at a distance of about 5 miles from the Courthouse.

Returned June 21 19 89

Deputy Sheriff, Parish of Jefferson

2011

SUBPOENA

No. 89-2360

STATE OF LOUISIANA

vs.

AUDBRY N. WALLACE

Office of **JON A. GEGENHEIMER** Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M J. MCMILLEN, ASST. DISTRICT ATTORNEY

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 21ST day of JULY in the year of Our Lord 19 89 at 9:00 A.M. for the purpose of: ARRAIGNMENT in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. JUNE 16, 1989

Deputy Clerk

JUN 21 1989

PERSONAL

Geo. La Breuyere

DY. SHERIFF

JUN 20 1989

of C #79

2012

SUBPOENA

No. 89-2360

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court
24th Judicial District Court
for the
STATE OF LOUISIANA
PARISH OF JEFFERSON

To M. BERNICE WALLACE
6305 4TH STREET, BLDG. 2, APT. A
MARRERO, LA.

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 21ST day of JULY in the year of Our Lord 19 89 at 9:00 A.M. in the above entitled matter for the purpose of ARRAIGNMENT

0 6 2 [illegible] 9 0 2

By order of the Court

Clerk's Office Courthouse, Gretna, La. JUNE 16, 1989

Barbara Downey
Deputy Clerk

JUN 20 1989

of C #79

2013

Received on _____ 19 and on _____ 19

I served a true copy of the within _____

on _____ herein named in person in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19

_____
Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on June 20 1989 and on June 20 89 19

I served a true copy of the within Subpoena

on Bernice Wallace

herein named by leaving the same at her domicile in the Parish of Jefferson

in the hands of June Wallace

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said June Wallace

the said Bernice Wallace herein named, being

temporarily asbsent from her residence at the time of said service.

Service at a distance of about 5 miles from the Courthouse.

Returned June 21 19 89

_____
Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 89-2360

STATE OF LOUISIANA

vs.

AUDBRY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M AMERICAN BANKERS INS. CO. THROUGH FOX MCKEITHEN, DIV. A
6020 CORONESTONE WEST SECRETARY OF STATE, P. O. BOX 44214, BATON ROUGE, LA.
SAN DIEGO, CALIF. (FOR AGENT OF SERVICE OF PROCESS)

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson, on the 21ST day of JULY in the year of Our Lord 19 89 at 9:00 A.M. for the purpose of ARRAIGNMENT in the above entitled matter.

"SERVED DOMICILIARY"

By order of the Court: 6.23-89

Dy. E.B.R.

Clerk's Office, Courthouse, Gretna, La. JUNE 16, 1989

JUN 20 1989

Barbara Downey

Deputy Clerk

of C #79

2016

STATE OF LOUISIANA
Parish of Jefferson
GRETNA, LA.

24th Judicial District Court for the Parish of Jefferson

BE IT REMEMBERED, that on this 10 day of May, in the year of our Lord one thousand, nine hundred and _____, before me, Harry Lee Sheriff of the Parish of Jefferson, State of Louisiana, personally came and appeared Aubrey Wallace as principal, and

AMERICAN BANKERS INSURANCE COMPANY as surety who severally acknowledge themselves indebted, and owe to HONORABLE CHARLES ROEMER, Governor of the State of Louisiana, and his successor in office, in the several sums following, that is to say:

The said Aubrey Wallace in the sum of $2,500.00 Dollars,
The said _____ in the sum of _____ Dollars,
The said _____ in the sum of _____ Dollars,
The said AMERICAN BANKERS INSURANCE in the sum of $2,500.00 Dollars,

of good and lawful money of the United States, for the true payment of which respective sums they and each of them bind themselves, their respective heirs, executors and administrators firmly by these presents. Also we waive all our Homestead Exemptions allowed us by the laws of this State.

UPON CONDITION, nevertheless, that if the above bounden Aubrey Wallace shall be and appear before the Hon. 24th Judicial District Cout of the State of Louisiana, to be held at the District Court House in the Parish of Jefferson on _____ To _____ the _____ be _____ day of _____ notified _____, A.D. 19___, or if the said Court should not be held on the day last aforesaid, then on the first day thereafter that the said Court shall be held, then and there to answer to the charge brought against him for 14-62

and shall not depart without the leave of the said Court, until the final trial and conviction or acquittal of the said Aubrey Wallace and shall keep the peace in the meantime; then this recognizance to be void; otherwise to remain in full force and effect.

X Aubrey Wallace
X 6305 4Th Blvd APT 2A
X Mamie [redacted]
341-2023

BOND NO. 137097-D
COMPLAINT NO. E-6145-89
DATE 5/12/89
DEPOSIT NO.
DATE OF BIRTH [redacted]
ARREST DATE 5/8/89 PLACE 3ED
RELEASE DATE 5/10/89 PLACE JPCC

MAY 1989 RECEIVED J.P.S.O.

DATE: 11/29/89

I AGREE TO RE-INSTATE THIS BOND AND REMAIN AS SURETY FOR THE DEFENDANT UNTIL SENTENCING.

Dianne Bartholomew

SURETY

221 Derbigny St

ADDRESS

Gretna, La. 70053

TRUE COPY OF THE ORIGINAL
FILE IN THIS OFFICE.

DEPUTY CLERK
FIRST JUDICIAL DISTRICT COURT
PARISH OF ORLEANS

POWER OF ATTORNEY

AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA

VOID IF NOT ISSUED BY: 02/14/90

POWER AMOUNT $ ***5,000.00***

POWER NO. AB5-00884360

KNOW ALL MEN BY THESE PRESENTS that the American Bankers Insurance Company of Florida, a corporation duly organized and existing under the laws of the State of Florida and by the authority of the resolution adopted by the Board of Directors at a meeting duly called and held on October 26, 1967, which said Resolution has not been amended or recinded, does constitute and appoint and by these presents does make, constitute and appoint the named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee a defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearance.

COURT COPY ABIG

IN WITNESS WHEREOF, THE AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA has caused these presents to be signed by its duly authorized attorney in fact, proper for the purpose and its corporate seal to be hereunto affixed this 10th day of March, 1989.

Bond Amount $ 25,000.00

Defendant Obrey Wallace

Court

City Jeff

State La.

If rewrite, original #

Executing Agent

CORPORATE SEAL AMERICAN BANKERS INSURANCE COMPANY FLORIDA

By R. Spencer Douglass
Attorney-in-Fact

FOR STATE USE ONLY
NOT VALID IF USED IN FEDERAL COU

_____ 19____.

STATE OF LOUISIANA—Parish of Jefferson.

Before Me, the undersigned authority, personally came and appeared _____,

who being duly sworn, deposes and says that he resides in the Parish of _____ and has

immovable property within the jurisdiction of this Honorable Court over and above his debts, liabilities, exemptions and homesteads, sufficient to respond to the amount for which he has obligated himself on the within bond, to wit: The sum of _____ Dollars.

Sworn to and subscribed before me, this _____ day of _____ 19____.

STATE OF LOUISIANA—Parish of Jefferson.

Before Me, the undersigned authority, personally came and appeared _____,

who being duly sworn, deposes and says that he resides in the Parish of _____ and has

immovable property within the jurisdiction of this Honorable Court over and above his debts, liabilities, exemptions and homesteads, sufficient to respond to the amount for which he has obligated himself on the within bond, to wit: The sum of _____ Dollars.

Sworn to and subscribed before me, this _____ day of _____ 19____.

STATE OF LOUISIANA—Parish of Jefferson.

Before Me, the undersigned authority, personally came and appeared _____,

who being duly sworn, deposes and says that he resides in the Parish of _____ and has

immovable property within the jurisdiction of this Honorable Court over and above his debts, liabilities, exemptions and homesteads, sufficient to respond to the amount for which he has obligated himself on the within bond, to wit: The sum of _____ Dollars.

Sworn to and subscribed before me, this _____ day of _____ 19____.

JPSO 2.208 B

[redacted] HAVING BEEN

ARRESTED FOR THE CRIME(S) OF [redacted] DESIGNATE CRIME

ON 5/8/89 AT 2336 WOODMERE ST Harvey, LA

DATE LOCATION A.M. P.M. LOCK UP EAST OR WEST X

AND HAVING BEEN RELEASED ON 5/10/89 AT 4:25 P.M.

DATE TIME

I DO HEREBY AGREE TO APPEAR AT ALL STAGES OF THE PROCEEDINGS IN COURT FOR THE PARISH OF JEFFERSON TO ANSWER THE CHARGE OR ANY RELATED CHARGE, AND WILL AT ALL TIMES HOLD AMENABLE TO THE ORDERS AND PROCESS OF THE COURT, AND IS CONVICTED, WILL APPEAR FOR PRONOUNCEMENT OF THE VERDICT AND SENTENCE AND WILL NOT LEAVE THE STATE WITHOUT WRITTEN PERMISSION OF THE COURT; AND IF I FAIL TO PERFORM ANY OF THESE CONDITIONS, WE (I) WILL PAY, TO THE STATE OF LOUISIANA THE SUM OF Seventeen Thousand Seven Hundred ($17,700.00) DOLLARS

ANY CASH BOND POSTED IS RECORDED IN THE NAME OF THE POSTER AND RETURNED ONLY TO THEM.

I HEREBY SPECIFICALLY AGREE TO APPEAR IN THE 24TH JUDICIAL COURT FOR THE PARISH OF JEFFERSON, ON THE DAY OF 19 AT OR WHEN NOTIFIED BY SUBPOENA X

THE ADDRESS(ES) SHOWN IS/ARE TRUE AND CORRECT. IF THERE ARE ANY CHANGES, IT IS THE DUTY OF THE DEFENDANT/PERSONAL SURETY TO NOTIFY THE CLERK OF COURT'S OFFICE, IN WRITING, OF SUCH CHANGES. BECAUSE ANY NOTICES SENT TO THE ABOVE ADDRESS WILL SUFFICE, UNLESS THE CLERK OF COURTS OFFICE IS SO NOTIFIED.

Shirley Wallace — DEFENDANT'S SIGNATURE DATE

Wallace Avery N. — PRINT DEFENDANT'S NAME LAST FIRST MIDDLE INITIAL

6305 4th St. Apt 2 Apt A — PRINT DEFENDANT'S ADDRESS

Marrero La 70072

BOND POSTED BY LAST FIRST MIDDLE INITIAL

SURETY ADDRESS

PERSONAL SURETY BAIL UNDERTAKING

DEF. ADD. CITY PH.

PERS. SURETY [illegible] 6305 [illegible] Marrero La 70072 PH. 341-202

REGISTER OWNER ADDRESS CITY

PERS. SURETY ADD. CITY PH.

VERBAL ORDER OF HONORABLE JD Ackman JUDGE OF 24th Judicial

COURT PARISH OF JEFFERSON, RECEIVED BY [illegible] ON 5/10/89 A.M. P.M. X

AND VERIFIED BY ON AT MAY 1989

JPSO DEPUTY SHERIFF PATROL "F.S.O."

JPSO 12/23 Rev. 7/87 White-Clerk of Court Yellow-Bond Deputy Pink-Defendant Blue-Surety

CERTIFICATE OF MAILING JUDGMENT OF BOND FORFEITURE

STATE OF LOUISIANA

VS

AUBRY N. WALLACE

CASE NUMBER 89-2360

TWENTY-FOURTH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

I, the undersigned Deputy Clerk of Court for the Twenty-Fourth District Court, Parish of Jefferson, do hereby affirm and certify that I have mailed a copy of the Judgment of Forfeiture in the above and entitled case to the following persons on the date next to his name:

AUGUST 3, 19 89	AUBRY N. WALLACE-DEFENDANT 6305 4TH STREET, BLDG. 2, APT. A. MARRERO, LA.7007
AUGUST 3, 19 89	BERNICE WALLACE-SURETY 6305 4TH STREET, APT. 2A, MARRERO, LA. 70072
AUGUST 3, 19 89	DA
, 19	
, 19	
, 19	

Gretna, La.

Witness, our Hand and the Seal of said Court this 3RD day of AUGUST, 19 89

Barbara Downey
Deputy Clerk

ON MINUTES
AUG 8 1989

Sworn to and subscribed this 3RD day of AUGUST, 19 89

Vanda Weil
Deputy Clerk

JPG 1219:72

CERTIFICATE OF MAILING JUDGMENT OF BOND FORFEITURE

STATE OF LOUISIANA

VS

AUBRY N. WALLACE

CASE NUMBER 89-2360

TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON

POWER OF ATTY. #AB5-00884360

I, the undersigned Deputy Clerk of Court for the Twenty-Fourth District Court, Parish of Jefferson, do hereby affirm and certify that I have mailed a copy of the Judgment of Forfeiture in the above and entitled case to the following persons on the date next to his name:

AUGUST 3, 19 89	AUBRY N. WALLACE-DEFENDANT 6305 4TH STREET, BLDG. 2, APT. A.,MARRERO, LA. 700
AUGUST 3, 19 89	MARK LEBOUEF-AGENT-AMERICAN BANKERS INSURANCE CO. 221 DERBIGNY STREET, GRETNA, LA. 70053
AUGUST 3, 19 89	AMERICAN BANKERS INS. CO.-SURETY 6020 CORNESTONE COURT WEST, SAN DIEGO, CALIF. 9212 3712
AUGUST 3, 19 89	DA
AUGUST 3, 19 89	HON. DOUGLAS GREEN, INS. COMM.
, 19	

Gretna, La.

Witness, our Hand and the Seal of said Court this 3RD day of AUGUST, 19 89

Barbara Downey
Deputy Clerk

Sworn to and subscribed this 3RD day of AUGUST, 19 89

Vanda Weil
Deputy Clerk

AUG 8 1989
ON MINUTES

JPG 1219.72

STATE OF LOUISIANA
VS.

AUBREY N. WALLACE

NO. 89-2360
DIVISION A
DATE 07/21/89
COURT REPORTER- SANDY HANCOCK

DISTRICT ATTORNEY: J. MCMILLEN JUDGE: G.T. PORTEOUS JR

THE DEFENDANT AUBREY N. WALLACE
DID NOT APPEAR BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF ARRAIGNMENT.
THE DEFENDANT WAS REPRESENTED BY UNREPRESENTED

--ATTACHMENT ISSUED-DEFEND

--JUDGMENT OF FORFEITURE
IF ARRESTED, BOND SET AT $50,000.00 CASH/COMM.
BOND FORFEITURE HEARING:
W-BARBARA DOWNEY-CRIMINAL MINUTE CLERK-DIV. 'A'

THE DEFENDANT WAS REMANDED TO (AT LARGE)

Barbara Downey
DEPUTY CLERK

ON MINUTES
AUG 8 1989

ENTRY 1

√5

No. 89-2360

STATE OF LOUISIANA

VS.

AUBRY N. WALLACE N/M [redacted] (PSEU BOND)

24th Judicial District Court

For the

PARISH OF JEFFERSON

STATE OF LOUISIANA

JUDGMENT FORFEITING BAIL BOND

In the above numbered and entitled cause, the defendant having failed to appear on the 21ST day of JULY, 19 89, the day set for his appearance, and after being called to appear to answer to the charges against him, and upon motion of the District Attorney, and the law and evidence being in favor thereof,

IT IS ORDERED, ADJUDGED and DECREED that the bail bond given by AUBRYCH.WALLACE, the defendant, be and the same hereby is declared forfeited, and that accordingly there be judgment in favor of the State of Louisiana, and against the defendant, AUBRY N. WALLACE, and against BERNICE WALLACE, his surety, in solido, in the sum of $ 17,700.00, the amount of said bond, together with legal interest from date until paid, and all costs of this proceeding.

THUS DONE, READ AND SIGNED in open Court on this, the 21ST day of JULY, 19 89.

JUDGE

PLEASE SERVE:
BERNICE WALLACE
6305 4TH STREET, APT. 2A
MARRERO, LA.

ON MINUTES
AUG 8 1989

No. 89-2360

STATE OF LOUISIANA

VS.

24th Judicial District Court

For the

PARISH OF JEFFERSON

STATE OF LOUISIANA

AUBRY N. WALLACE N/M [redacted] (COMM. BOND) POWER OF ATTY. #AB5-00884360

JUDGMENT FORFEITING BAIL BOND

In the above numbered and entitled cause, the defendant having failed to appear on the 21ST day of JULY, 19 89, the day set for his appearance, and after being called to appear to answer to the charges against him, and upon motion of the District Attorney, and the law and evidence being in favor thereof,

IT IS ORDERED, ADJUDGED and DECREED that the bail bond given by AUBRY N. WALLACE, the defendant, be and the same hereby is declared forfeited, and that accordingly there be judgment in favor of the State of Louisiana, and against the defendant, AUBRY N. WALLACE, and against AMERICAN BANKERS INS. CO., his surety, in solido, in the sum of $ 2,500.00, the amount of said bond, together with legal interest from date until paid, and all costs of this proceeding.

THUS DONE, READ AND SIGNED in open Court on this, the 21ST day of JULY, 19 89.

JUDGE

PLEASE SERVE:
AMERICAN BANKERS INS. CO.
12[illegible] STREET
GRETNA, LA.

ON MINUTES
AUG 8 1989

No. 89-2360

STATE OF LOUISIANA

VS.

AUBRY N. WALLACE N/M [redacted] (PSBU BOND)

24th Judicial District Court

For the

PARISH OF JEFFERSON

STATE OF LOUISIANA

JUDGMENT FORFEITING BAIL BOND

In the above numbered and entitled cause, the defendant having failed to appear on the 21ST day of JULY, 19 89, the day set for his appearance, and after being called to appear to answer to the charges against him, and upon motion of the District Attorney, and the law and evidence being in favor thereof,

IT IS ORDERED, ADJUDGED and DECREED that the bail bond given by AUBRY N. WALLACE, the defendant, be and the same hereby is declared forfeited, and that accordingly there be judgment in favor of the State of Louisiana, and against the defendant, AUBRY N. WALLACE and against BERNICE WALLACE, his surety, in solido, in the sum of $ 17,700.00, the amount of said bond, together with legal interest from date until paid, and all costs of this proceeding.

THUS DONE, READ AND SIGNED in open Court on this, the 21ST day of JULY, 19 89.

JUDGE

AUG 07 1989

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK

24TH JUDICIAL DISTRICT COURT

JEFFERSON, LA

PERSONAL SERVICE

on [illegible]

on this [illegible] day of [illegible], 19[illegible]

Miles 3[illegible]

Deputy [illegible]

Parish of Jefferson

DOMICILIARY SERVICE

on _____ by

leaving same with _____

on the ____ day of _____, 19____

Service _____

Mileage _____

Deputy _____

Parish of Jefferson

No. 89-2360

0 8 1 1 8 9

STATE OF LOUISIANA

VS.

24th Judicial District Court

For the

PARISH OF JEFFERSON

STATE OF LOUISIANA

AUBRY N. WALLACE, N/M [redacted] (COMM. BOND) POWER OF ATTY. #AB5-00884360

JUDGMENT FORFEITING BAIL BOND

In the above numbered and entitled cause, the defendant having failed to appear on the 21ST day of JULY, 19 89, the day set for his appearance, and after being called to appear to answer to the charges against him, and upon motion of the District Attorney, and the law and evidence being in favor thereof,

IT IS ORDERED, ADJUDGED and DECREED that the bail bond given by AUBRY N. WALLACE, the defendant, be and the same hereby is declared forfeited, and that accordingly there be judgment in favor of the State of Louisiana, and against the defendant, AUBRY N. WALLACE, and against AMERICAN BANKERS INS. CO., his surety, in solido, in the sum of $ 2,500.00, the amount of said bond, together with legal interest from date until paid, and all costs of this proceeding.

THUS DONE, READ AND SIGNED in open Court on this, the 21ST day of JULY, 19 89.

JUDGE

AUG 07 1989

PLEASE SERVE:
AMERICAN BANKERS INS. CO.
221 HERRIGNY STREET
GRETNA, LA.

SWORN AND SUBSCRIBED BEFORE ME THIS DAY OF AUGUST, 19 89

DEPUTY CLERK

TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

DEPUTY CLERK
24th JUDICIAL DISTRICT COURT,
PARISH OF JEFFERSON, LA.

DIV. A

ATTACHMENT

JUDGE
G. THOMAS PORTEOUS, JR.

STATE OF LOUISIANA, PARISH OF JEFFERSON

ENTERED IN MOTION

24th Judicial District Court, [illegible] ARRESTED, BOND SET AT $50,000.00 CASH/COMM.

THE STATE OF LOUISIANA.

To the Sheriff of the Parish of Jefferson—Greeting:

YOU ARE HEREBY COMMANDED to attach the body of AUBRY W. WALLACE N/M [redacted] [illegible] 4, MARRERO, LA

and that you have HIM 1 0 0 9 8 9 0 1 [illegible] before our said Court, on the INSTANTER

_____, to answer for a contempt in neglecting or refusing to attend before said Court as a DEFENDANT

WITNESS THE HONORABLE G. THOMAS PORTEOUS, JR. JUDGE OF THE SAID COURT

No. 89-1360 THE 21ST DAY OF JULY, 19 89

[illegible] R. S. 14:52.2 SIMPLE BURGLARY OF AN INHABITED DWELLING

Clerk's Office, Courthouse, Gretna, La.

[illegible] Deputy Clerk

10-6-89
state adv. sub. does not live here, unk. add. JB

JPG 1219.25

DIV. A

JUDGE
G. THOMAS CORTEGUS, JR.

State of Louisiana, Parish of Jefferson

24th Judicial District Court

for the

Parish of Jefferson

STATE OF LOUISIANA

VS.

AUBRY N. WALLACE N/M [redacted]

1521 AMES BLVD, APT. 112, MARRERO, LA.

No. 89-2360

RECALL OF ATTACHMENT OR CAPIAS

It is ordered that the attachment or capias issued in the above entitled case upon AUBRY N. WALLACE

on the 21ST day of JULY 19 89

is hereby recalled.

Signed this 16TH day of NOVEMBER 19 89

Judge, 24th Judicial District Court

Received

Deputy Sheriff

ARR. SET 12/1/89

NOV 20 1989
MINUTES
NOV 16 3 46 PM '89

G 1219.70

Arrested 11-15-89 91377800

ATTACHMENT

DIV. A

JUDGE
G. THOMAS PORTEOUS, JR.

STATE OF LOUISIANA, PARISH OF JEFFERSON

ENTERED IN MOTION

24th Judicial District Court

IF ARRESTED 2 [illegible] AT $50,000.00 CASH/COMM.

THE STATE OF LOUISIANA.

To the Sheriff of the Parish of Jefferson—Greeting:

YOU ARE HEREBY COMMANDED to attach the body of AUBRY N. WALLACE N/M [redacted] 6305 4TH STREET, BLDG. 2, APT. A, MARRERO, LA.

and that you have HIM before our said Court, on the INSTANTER

, to answer for a contempt in neglecting or

refusing to attend before said Court as a DEFENDANT

WITNESS THE HONORABLE G. THOMAS PORTEOUS, JR. JUDGE OF THE SAID COURT

THE 21ST DAY OF JULY 19 89

No. 89-2360

CHARGE: R. S. 14:62.2 SIMPLE BURGLARY OF AN INHABITED DWELLING

Clerk's Office, Courthouse, Gretna, La.

Barbara Downey
Deputy Clerk

JPG 1219.25

2032

SUBPOENA

No. 89-2360

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M JODI GRANT
GRETNA COURTHOUSE
D.A.'S OFFICE

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 1st day of DECEMBER in the year of Our Lord 19 89 at 9:00 A.M. for the purpose of ARRAIGNMENT in the above entitled matter.

NOV 20 1989 19 1

8 9 0 4 4 3 9

By Order of the Court NOV 21 1989

PERSONAL

Clerk's Office, Courthouse, Gretna, La. NOVEMBER 17th, 1989

L G Ockert
CY SHERIFF

M A Duay
Deputy Clerk

NOTICE TO D.A.'S OFFICE

C of C #79

SUBPOENA

No. 89-2360

Office of JON A. GEGENHEIMER Clerk of Court

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

24th Judicial District Court

for the

STATE OF LOUISIANA
PARISH OF JEFFERSON

To M. AUBRY N. WALLACE
1521 AMES BLVD., APT.#112
MARRERO, LA. 70072

DIV. A.

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 1st day of DECEMBER in the year of Our Lord 1989 at 9:00 A.M. for the purpose of ARRAIGNMENT-R.S.14:62.2 SIMPLE BURGLARY OF AN INHABITED DWELLING in the above entitled matter.

By order of the Court:

NOV 21 1989

0 5 0 T

Clerk's Office, Courthouse, Gretna, La. NOVEMBER 17th, 1989

Deputy Clerk

C of C #79

Received on _____ 19 and on _____ 19

I served a true copy of the within _____

on _____ herein named, in the Parish of Jefferson, Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

I served a true copy of the within _____ herein named by leaving the same at _____ domicile in the Parish of Jefferson in the hands of _____ a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said _____ the said _____ herein named, being temporarily absent from _____ residence at the time of said service. Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

STATE OF LOUISIANA
VS.
AUBREY N. WALLACE

NO. 89-2360
DIVISION A
DATE 12/01/89
COURT REPORTER- LISA BROUSSARD

DISTRICT ATTORNEY: ANN LAMBERT JUDGE: G.T. PORTEOUS JR

THE DEFENDANT AUBREY N. WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF ARRAIGNMENT.

--ARRAIGNMENT - PLEAD NOT GUILTY
REPRESENTED BY VALERIE FONTAINE , WHO WAS
STANDING IN FOR JOSEPH TOSH , THE ATTORNEY OF RECORD.
THE DEFENDANT
WAIVED THE READING OF THE BILL OF INFORMATION AND
ENTERED A PLEA OF NOT GUILTY
WHICH PLEA WAS ORDERED RECORDED. THE COURT GRANTED 15 DAYS FOR THE DEFENDANT'S COUNSEL OF RECORD TO FILE RESPONSIVE PLEADINGS.

--TRIAL
TRIAL SET 2/12/90 (ISSUE)

THE NEXT COURT DATE IS 02/12/90 AT 9::00 - TRIAL

THE DEFENDANT WAS ENLARGED.

Barbara Downey
DEPUTY CLERK

ON MINUTES
DEC 14 1989

ENTRY 2

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

DIV. A

To M. ANNE LAMBERT
GRETNA COURTHOUSE
D.A. OFFICE 00000

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 12 day of FEBRUARY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

JAN 2 - 1990

DEC 19 1989

PERSONAL

By order of the Court

Clerk's Office, Courthouse, Gretna, La. DECEMBER 11, 1989

DY. SHERIFF

Deputy Clerk

C of C #79

SUBPOENA

No. 492360

STATE OF LOUISIANA

vs.

AUBREY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M. BERNICE WALLACE
4308 4TH STREET#2A
HARRERO LA 70072

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 12 day of FEBRUARY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court DEC 19 1989

Clerk's Office, Courthouse, Gretna, La. DECEMBER 18, 1989

Deputy Clerk

C of C #79

Received on _____ 19

I served a true copy of the within

on _____ here in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

herein named by leaving the same at _____ domicile in the Parish of Jefferson

in the hands of Arnold Wallace

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said Arnold Wallace

the said Bernice Wallace

temporarily absent from _____ residence at the time of said service.

Service at a distance of about 5 miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 822340

Office of JON A. GEGENHEIMER Clerk of Court

STATE OF LOUISIANA

24th Judicial District Court

for the

STATE OF LOUISIANA
PARISH OF JEFFERSON

AUBRY W. WALLACE

To M JOE TOSH
300 HUEY P LONG AVE
GRETNA LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 12 day of FEBRUARY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court: DEC 19 1989

Clerk's Office, Courthouse, Gretna, La. DECEMBER 11, 1989

Deputy Clerk

C of C #79

Received on Dec 20 1979

I served a true copy of the within [illegible]

on [illegible] hereby named in person, [illegible] Jefferson, Louisiana, at a distance of about 2 miles from the Courthouse.

Returned Dec 21 1979

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on _____ 19

I served a true copy of the within _____

herein named by leaving the same at _____ domicile in the Parish of Jefferson in the hands of _____

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said _____

the said _____ herein named being temporarily absent from _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 892360

STATE OF LOUISIANA

AUBREY N. WALLACE

Office of JON A. GEGENHEIMER, Clerk of Court
24th Judicial District Court
for the
STATE OF LOUISIANA
PARISH OF JEFFERSON

To M. R. MCDONALD
SUT JPSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish Jefferson on the 12 day of FEBRUARY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matte

By order of the Court

DEC 19 1989

Clerk's Office, Courthouse, Gretna, La. DECEMBER 11, 1989

STATE WITNESS

Deputy Clerk

Received on January 5 1970 and on 9/5/70 19

I served a true copy of the within

on

Louisiana, at a distance of about

Returned

herein named by leaving the same at Jefferson,

miles from the Courthouse.

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

19

I served a true copy of the within

herein named by leaving the same at domicile in the Parish of Jefferson

in the hands of

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said

the said

temporarily absent from residence at the time of said service.

Service at a distance of about miles from the Courthouse.

Returned 19

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 302360

Office of JON A. GEGENHEIMER Clerk of Court

STATE OF LOUISIANA

vs.

AUBRY ST. WALDEN

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M. J. BROWDWATER

DEP JFSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 12 day of FEBRUARY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court DEC 19 1989

Clerk's Office, Courthouse, Gretna, La. DECEMBER 11, 1989

STATE WITNESS

Deputy Clerk

C of C #79

SUBPOENA

3 Dec 19 20 end 3 Jan 19 20

I served a true copy of the within _____ No. _____

on _____ herein named, by leaving the same at _____ Jefferson, Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff Parish of Jefferson

DOMICILIARY

Received _____ 19

I served a true copy of the within _____ in the above entitled matter

herein named by leaving the same at _____ domicile in the Parish of Jefferson in the hands of _____

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said _____

the said _____ being temporarily absent from _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff Parish of Jefferson

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY [illegible]

Office of JON A. GEGENHEIMER, Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M M JONES
DEP JPSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 12 day of FEBRUARY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court: DEC 19 1989

Clerk's Office, Courthouse, Gretna, La. DECEMBER 11, 1989

STATE WITNESS

Deputy Clerk

C of C #79

Received on 1-3 19 90 and on 10 19 90

I served a true copy of the within Subpoena

on [illegible] he [illegible] Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 12 day of FEBRUARY in the year of Our Lord 19 91 at 9:00 A.M. for the purpose of TRIAL.

I served a true copy of the within _____ in the above entitled matter

herein named by leaving the same at _____ domicile in the Parish of Jefferson

in the hands of _____

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said _____

the said _____ herein named being

temporarily absent from _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff Parish of Jefferson

Received on 7 Jan 19 90 and on 3 Jan 19 90

I served a true [illegible] on [illegible] herein named [illegible] Parish of Jefferson, Louisiana at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on _____ 19

I served a true copy of the within _____ herein named by leaving the same at _____ domicile in the Parish of Jefferson in the hands of _____ a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said _____ the said _____ temporarily absent from _____ residence at the time of said service. Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff Parish of Jefferson

SUBPOENA

No. 282840

STATE OF LOUISIANA

vs.

AUBRY H. MACKLE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M. R. LEWIS
DEP JPSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 12 day of FEBRUARY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court DEC 19 1989

Clerk's Office, Courthouse, Gretna, La. DECEMBER 11, 1989

STATE WITNESS

Deputy Clerk

C of C #79

STATE OF LOUISIANA
VS.

AUBREY N. WALLACE

NO. 89-2360
DIVISION A
DATE 02/12/90
COURT REPORTER- SANDY HANCOCK

DISTRICT ATTORNEY: ANN LAMBERT JUDGE: G.T. PORTEOUS JR

THE DEFENDANT AUBREY N. WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANT WAS REPRESENTED BY JOSEPH TOSH

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR 4/23/90 (ISSUE).
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 04/23/90 AT 9::00 - TRIAL

THE DEFENDANT WAS ENLARGED.

Barbara Downey
DEPUTY CLERK

ON MINUTES
FEB 20 1990

ENTRY 3

SUBPOENA

No. 892360

Office of JON A. GEGENHEIMER Clerk of Court

STATE OF LOUISIANA

vs.

ALBERT WALLACE

24th Judicial District Court

for the
STATE OF LOUISIANA
PARISH OF JEFFERSON

To M LAWRENCE KORNMAN
2100 WOODMERE ST
HARVEY LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16, 1990

STATE WITNESS

FEB. 21 1990

Deputy Clerk

C of C #79

Received on 2-23-80 19 and on 2-23-80 19

I served a true copy of the within _____ on _____ herein named by leaving the same at _____ Jefferson, Louisiana, at a distance of about _____ miles from the Courthouse.

Returned 2-23-80 19

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

I served a true copy of the within _____ on _____ herein named by leaving the same at _____ domicile in the Parish of Jefferson in the hands of _____ a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said _____ the said _____ herein named, being temporarily absent from _____ residence at the time of said service. Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

NO. **SUBPOENA**

No. 892360

STATE OF LOUISIANA

vs.

AUBRY WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

DIV. A

To M. BERNICE WALLACE
4305 4TH STREET#2A
MARRERO LA 70072

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16, 1990

FEB 21 1990

Joan Mengel
Deputy Clerk

C of C #79

Received on _____ 19

I served a true copy of the within _____

on _____ here in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on _____ 19

I served a true copy of the within _____

on _____ herein named by leaving the same at _____ her _____ domicile in the Parish of Jefferson

in the hands of Joseph Wallace

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said Joseph Wallace

the said Bernice Wallace herein named being

temporarily absent from _____ her _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19 90

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 8928

Office of JON A. GEGENHEIMER Clerk of Court

STATE OF LOUISIANA

vs.

AUBRY WALLACE

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M JOE TOSH
300 HUEY P LONG AVE
GRETNA LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La FEBRUARY 16, 1990

Joan Mengis
Deputy Clerk

FEB. 21 1990

C of C #79

Received on Feb 22 1990

I served a true copy of the within [illegible] No. [illegible]

on [illegible] herein named in person, in the Parish of Jefferson,

Louisiana, at a distance of about 2 miles from the Courthouse.

Returned Feb 23 1990

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on _____ 19

I served a true copy of the within _____

on _____

herein named by leaving the same at _____ domicile in the Parish of Jefferson

in the hands of _____

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said _____

the said _____ herein named, being

temporarily absent from _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M ANNE LAMBERT
GRETNA COURTHOUSE
D.A. OFFICE 00000

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9 :00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16,1990

FEB. 21 1990

Joan Mengler
Deputy Clerk

MAR 01 1990

PERSONAL

L. G. Albert
DY. SHERIFF

C of C #79

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 89-2360 DIVISION: "A"

STATE OF LOUISIANA

VS.

AUBRY WALLACE

FILED: _____ _____
DEPUTY CLERK

MOTION FOR CONTINUANCE

NOW INTO COURT comes the defendant, AUBRY WALLACE, through undersigned counsel, JOSEPH J. TOSH, to respectfully move this Honorable Court for a continuance for the following reason:

I.

JOSEPH J. TOSH is Chairman of the Jefferson Parish Planning Advisory Board, and said Board has a out-of-town conference scheduled for the week of April 23, 1990 through April 27, 1990.

WHEREFORE, counsel for the defendant respectfully moves that this matter be continued to a later date.

RESPECTFULLY SUBMITTED,

JOSEPH J. TOSH
ATTORNEY FOR DEFENDANT
300 HUEY P. LONG AVE., STE. D
GRETNA, LA 70053
(504) 362-4873

O R D E R

CONSIDERING THE FOREGOING MOTION FOR CONTINUANCE;

IT IS ORDERED that this matter be continued to the 7th day of May, 1990 at 9 o'clock A.m.

GRETNA, LOUISIANA, this 3rd day of April, 1990.

J U D G E

ON MINUTES APR 5 1990

FILED FOR RECORD 90 MAR 28 P 3: 43 CLERK OF COURT PARISH OF JEFFERSON LA

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M ANNE LAMBERT
GRETNA COURTHOUSE
D.A. OFFICE 00000

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

PERSONAL

By order of the Court

APR 11 1990

Clerk's Office, Courthouse, Gretna, La. APRIL 04, 1990

Deputy Clerk

C of C #79

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the
STATE OF LOUISIANA
PARISH OF JEFFERSON

To M J BROWDWATER
DEP JPSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9 :00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16,1990

STATE WITNESS

FEB 21 1990

Deputy Clerk

of C #79

2060

Received on 2/23 19 90 Date 7/23 19 90

Received a true copy of the within Subpoena

X Dep James Broadwater of ABLA

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____

Deputy Sheriff Parish of Jefferson

Received on _____ 19 _____

I served a true copy of the within _____

herein named by leaving the same at _____ domicile in the Parish of Jefferson

in the hands of _____

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating _____

the said _____ herein named being

temporarily absent from _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19 _____

Deputy Sheriff Parish of Jefferson

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M M JONES
DEP JPSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9 :00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16,1990

STATE WITNESS

FEB. 21 1990

Deputy Clerk

of C #79

2062

PERSONAL

Received on 2-24 1996

Received a true copy of the within

Dep. M. Jones

Louisiana, at a distance of about

Returned

Returned in person in the Parish of Jefferson

miles from the Courthouse.

Deputy Sheriff Parish of Jefferson

DOMICILE

Received on 19

I served a true copy of the within

on

herein named by leaving the same at dom[illegible] the Parish of Jefferson

in the hands of

a person apparently over the age 16 years, living a[illegible] in the said domicile whose name and other facts

connected with this service I learned by interroga[illegible]

the said herein named, being

temporarily absent from residence at the time of said service.

Service at a distance of about miles from the Courthouse.

Returned 19

Deputy Sheriff Parish of Jefferson

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M B LEWIS
DEP JFSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9 :00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16,1990

STATE WITNESS

Deputy Clerk

; of C #79

FEB 21 1990

2064

PERSONAL

...ed on 2/23 1990 2/23 1990

...a true copy of the within subpoena

...Lewis

...siana, at a distance of about _____

Returned 2/23

...named in person in the Parish of Jefferson

_____ miles from the Courthouse.

_____ 90

R. Kalogeropoulos

Deputy Sheriff Parish of Jefferson

DOMICILE

...served on _____ 19

...served a true copy of the within _____

...rein named by leaving the same at _____ domicile in the Parish of Jefferson

...the hands of _____

...person apparently over the age 16 years, living a... the said domicile ... name and other facts

...connected with this service I learned by interrogati...

...the said _____ ...herein named, being

...porarily absent from _____ residence at the time of said service.

...e at a distance of about _____ miles from the Courthouse.

Returned _____ _____ 19

Deputy Sheriff Parish of Jefferson

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M AUBREY N WALLACE
1521 AMES BLVD. A-112
MARRERO LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of APRIL in the year of Our Lord 19 90 at 9 :00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16,1990

Joan Mengto
Deputy Clerk

FEB. 21 1990

of C #79

2066

PERSONAL

1 MAR 90 5 MAR 90 19

Rubry N. Wallace

[illegible] is [illegible] in person, in the Parish of Jefferson, [illegible] miles from the Courthouse.

5 MAR 19

Deputy Sheriff, Parish of Jefferson

AUBREY N WALLACE
1521 AMES BLVD, A-112
MARRERO LA

Received [illegible] 19

[illegible] 23 APRIL

[illegible] TRIAL

[illegible] domicile in the Parish of Jefferson

[illegible] residing in the said domicile whose name and other facts [illegible] by interrogating the said [illegible] FEBRUARY 15, 1990 herein named, being [illegible] residence at the time of said service.

[illegible] miles from the Courthouse.

[illegible] FEB 21 1990 19

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M BERNICE WALLAGE
6305 4TH STREET#2A
MARRERO LA 70072

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

APR 11 1990

Clerk's Office, Courthouse, Gretna, La. APRIL 04, 1990

Evelyn F. Duet

Deputy Clerk

of C #79

2068

Received on _____ 19 _____ and on _____ 19 _____

I served a true copy of the within _____

on _____ herein named in person, in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19 _____

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on Apr 12 1990 and on Apr 16 1990 19 _____

I served a true copy of the within Subpoena

on Bernice Wallace

herein named by leaving the same at her domicile in the Parish of Jefferson

in the hands of Arnold Wallace

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said Arnold Wallace

the said Bernice Wallace herein named, being

temporarily absent from her residence at the time of said service.

Service at a distance of about 5 miles from the Courthouse.

Returned Apr 16 1990

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY NT WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M. M. JONES
DEP JPSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. APRIL 04, 1990

APR 11 1990

STATE WITNESS

Deputy Clerk

of C #79

Received on 19 April 1970 and on _____ 19

I served a true copy of the within _____

on _____ herein named in person in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on _____ 19

I served a true copy of the within _____

on _____

herein named by leaving the same at _____ domicile in the Parish of Jefferson

in the hands of _____

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said _____

the said _____ herein named being

temporarily absent from _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 892360

Office of JON A. GEGENHEIMER Clerk of Court

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

24th Judicial District Court

for the
STATE OF LOUISIANA
PARISH OF JEFFERSON

To M AMERICAN BANKERS INS.
221 DERBIGNY ST.
GRETNA, LA.

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. APRIL 4 1990

APR 11 1990

Deputy Clerk

of C #79

2072

Received on _____ 19 and on _____ 19

I served a true copy of the within _____

on _____ here in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

_____ 19

_____

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

_____ 19

I served a true copy of the within _____

herein named by leaving the same at _____ domicile in the Parish of Jefferson

in the hands of _____

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said _____

the said _____ being

temporarily absent from _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

2073

SUBPOENA

No. 892360

Office of JON A. GEGENHEIMER Clerk of Court

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M JOE TOSH
300 HUEY P LONG AVE
GRETNA LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court

Clerk's Office, Courthouse, Gretna, La. APRIL 04, 1990

APR 11 1990

Deputy Clerk

M C #79

Received on _____ 19

I served a true copy of the within

on _____ herein named in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

_____ 19

_____
Deputy Sheriff, Parish of Jefferson

herein named by leaving the same at _____ domicile in the Parish of Jefferson

in the hands of _____

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said _____

the said _____ being

temporarily absent from _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

_____
Deputy Sheriff, Parish of Jefferson

2075

SUBPOENA

No. 892360

Office of JON A. GEGENHEIMER Clerk of Court

STATE OF LOUISIANA

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

vs.

AUBRY N. WALLACE

To M AUBREY N WALLACE
1521 AMES BLVD. A-112
MARRERO LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. APRIL 04, 1990

APR 11 1990

Deputy Clerk

RETURNED TO SHERIFF'S OFFICE NOT SERVED

DATE

REMARKS

DEPUTY SHERIFF PARISH OF JEFFERSON

of C #79

2076

SUBPOENA

No. 498360

STATE OF LOUISIANA

vs.

AUBREY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M AUBREY N WALLACE
1521 AMES BLVD. A-112
MARRERO LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court

Clerk's Office, Courthouse, Gretna, La. APRIL 04, 1990

APR 11 1990

Deputy Clerk

C of C #79

2077

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M LAWRENCE KORNMAN
2100 WOODMERE ST
HARVEY LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the abovestentitled matter.

By order of the Court:

APR 11 1990

Clerk's Office, Courthouse, Gretna, La. APRIL 04, 1990

STATE WITNESS

Deputy Clerk

of C #79

PERSONAL

Received on _____ 19 and on _____ 19

I served a true copy of the within _____

on _____ herein named in person, in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on 5-1-90 and on 5-1-90 19

I served a true copy of the within Sitz

on Lawrence Kornman

herein named by leaving the same at his domicile in the Parish of Jefferson

in the hands of Arlee Thibodeaux

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said Arlee Thibodeaux

the said Lawrence Kornman herein named, being

temporarily absent from his residence at the time of said service.

Service at a distance of about 5 miles from the Courthouse.

Returned 5-2-90 19

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 822360

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M. R. MCDONALD

SGT JPSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 7 day of MAY in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. APRIL 04, 1990

STATE WITNESS

APR 11 1990

Deputy Clerk

of C #79

Received on 4/[illegible] 1990 and on 5-[illegible]90 19

I served a true copy of the within

on [illegible] herein named in person, in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received _____ 19

I served a true copy of the within

on _____

herein named by leaving the same at _____ domicile in the Parish of Jefferson

in the hands of _____

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said _____

the said _____ herein named being

temporarily absent from _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

STATE OF LOUISIANA
VS.
AUBREY N. WALLACE

NO. 89-2360
DIVISION A
DATE 05/07/90
COURT REPORTER- LISA BROUSSARD

DISTRICT ATTORNEY: ANN LAMBERT JUDGE: G.T. PORTEOUS JR

THE DEFENDANT AUBREY N. WALLACE
DID NOT APPEAR BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANT WAS REPRESENTED BY JOSEPH TOSH

--ATTACHMENT ISSUED-DEFEND
IF ARRESTED, BOND SET AT $45,000.00 CASH/COMM. NO REDUCTION

--JUDGMENT OF FORFEITURE
BOND FORFEITURE HEARING:
W-BARBARA DOWNEY-CRIMINAL MINUTE CLERK DIV. 'A'

DO NOT ISSUE

THE DEFENDANT WAS REMANDED TO (AT LARGE)

Barbara Downey
DEPUTY CLERK

ON MINUTES
MAY 15 1990

ENTRY 4

PAGE 1 OF _____

STATE OF LOUISIANA
VS.
AUBREY N. WALLACE

NO. 89-2360
DIVISION A
DATE 05/09/90
COURT REPORTER- LISA BROUSSARD

DISTRICT ATTORNEY: ANN LAMBERT JUDGE: G.T. PORTEOUS JR

THE DEFENDANT AUBREY N. WALLACE
APPEARED BEFORE THE BAR OF THE COURT THIS DAY FOR THE PURPOSE OF TRIAL.
THE DEFENDANT WAS REPRESENTED BY JOSEPH TOSH

--CONTINUED-BY DEFENSE
THE TRIAL WAS ORDERED:
CONTINUED AND RE-SET FOR 6/25/90 (ISSUE).
THE ACTION WAS TAKEN:
AT THE REQUEST OF THE DEFENDANT ATTORNEY.

THE NEXT COURT DATE IS 06/25/90 AT 9:00 - TRIAL

THE DEFENDANT WAS ENLARGED.

Barbara Downey
DEPUTY CLERK

ON MINUTES
MAY 15 1990

ENTRY 5

NO. SUBPOENA

No. 892360

Office of JON A. GEGENHEIMER Clerk of Court

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M ANNE LAMBERT
GRETNA COURTHOUSE
D.A. OFFICE 00000

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

MAY 22 1990

By order of the Court:

PERSONAL

Clerk's Office, Courthouse, Gretna, La. MAY 14 1990

MAY 21 1990

DY. SHERIFF

Deputy Clerk

C of C #79

SUBPOENA

DE[illegible]

No. 892360

Office of JON A. GEGENHEIMER Clerk of Court

STATE OF LOUISIANA

24th Judicial District Court

vs.

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

AUBRY N. WALLACE

To M. JOE TOSH DIV. A

300 HUEY P. LONG AVE

GRETNA LA

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. MAY 14, 1990

MAY 21 1990

Deputy Clerk

C of C #79

Received on _____ 19 _____ and on _____ 19 _____

I served a true copy of the within _____

on _____ herein named in person, in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19 _____

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on _____ 19 _____

I served a true copy of the within _____

on _____

herein named by leaving the same at _____ domicile in the Parish of Jefferson

in the hands of _____

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said _____

the said _____ herein named, being

temporarily absent from _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19 _____

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 892360

Office of JON A. GEGENHEIMER Clerk of Court

STATE OF LOUISIANA

vs.

AUBRY N. WALLACE

24th Judicial District Court

for the

STATE OF LOUISIANA
PARISH OF JEFFERSON

DATE RETURNED TO SHERIFF'S OFFICE NOT SERVED
REMARKS Not Listed at that Address
DEPUTY SHERIFF'S, PARISH OF JEFFERSON

To M AUBREY N WALLACE
1521 AMES BLVD. A 112
MARRERO LA

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

252

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. MAY 14, 1990

MAY 21 1990

M A Duay

Deputy Clerk

C of C #79

SUBPOENA

No. 868360

STATE OF LOUISIANA

vs.

AUBREY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA
PARISH OF JEFFERSON

To-M AUBREY N WALLACE
1521 AMES BLVD. A-112
MARRERO LA

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 19 90 at 7:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court

Clerk's Office, Courthouse, Gretna, La. MAY 14, 1990

MAY 21 1990

Deputy Clerk

C of C #79

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY N. WALLAGE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA
PARISH OF JEFFERSON

To M. BERNICE WALLAGE
4865 4TH STREET#2A
MARRERO LA 70072

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 19 90 at 10:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. MAY 14, 1990

MAY 21 1990

Deputy Clerk

C of C #79

Received on _____ 19 and on _____ 19

I served a true copy of the within _____

on _____ herein named of Jefferson, Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

I served a true copy of the within _____ 19

on _____ herein named by leaving the same at _____ domicile in the Parish of Jefferson in the hands of Willie B. Payne _____ a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts connected with this service I learned by interrogating the said Daughter the said Bernice Wallace _____ herein named, being temporarily absent from _____ residence at the time of said service. Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No 892360

STATE OF LOUISIANA

Vs.

ALBERT N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M. R. LEWIS
DEP JPSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. MAY 14, 1990

STATE WITNESS MAY 21 1990

Deputy Clerk

C of C #79

Received on 6-1 19 90 and on 6-1 19 90

I served a true copy of the within subpoena

on Lewis

herein named by person, at the Parish of Jefferson,

Louisiana, at a distance of about miles from the Courthouse.

Returned 6-1 19 90

R Kalogeropoulos

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on 19

I served a true copy of the within

herein named by leaving the same at domicile in the Parish of Jefferson

in the hands of

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said

the said herein named being

temporarily absent from residence at the time of said service.

Service at a distance of about miles from the Courthouse.

Returned 19

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 892360

STATE OF LOUISIANA

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

AUBRY N. WALLACE

DIV. A

[illegible] appear before the 24th Judicial District Court in and for the Parish of Jefferson on the [illegible] day of JUNE in the year of Our Lord 19[illegible] at [illegible] A.M. [illegible] in the above entitled matter [illegible] purpose of TRIAL

By order of the Court:

Office, Courthouse, Gretna, La. MAY [illegible] 1970

[illegible]

PERSONAL

Received on 5-22-[illegible] 19 and on [illegible]-22-[illegible] 19

I served a true copy of the within

on [illegible]

herein named in person, in the Parish of Jefferson, Louisiana, at a distance of about miles from the Courthouse.

Returned 5-22-[illegible] 19

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on 19 and on 19

I served a true copy of the within

on

herein named by leaving the same at domicile in the Parish of Jefferson in the hands of

a person apparently over the age 16 years, living and residing in the said domicile whose name and [illegible] connected with this service I learned by interrogating the said

the [illegible]

[illegible]

[illegible]

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

ALBERT H. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M M JONES

DEP JPSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson, on the 25 day of JUNE in the year of Our Lord 19 90 at 9:00 A.M. for the purpose of TRIAL in the above entitled matter.

By order of the Court

Clerk's Office, Courthouse, Gretna, La. MAY 14, 1990

STATE WITNESS MAY 21 1990

Deputy Clerk

of C #79

Received on 25 May 1996 and on _____ 19

I served a true copy of the within Subpoena

on _____ herein named in person, in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on _____ 19

I served a true copy of the within _____

on _____

herein named by leaving the same at _____ domicile in the Parish of Jefferson

in the hands of _____

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said _____

the said _____ herein named, being

temporarily absent from _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

SUBPOENA

No. 892360

STATE OF LOUISIANA

AUBREY N. WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the

STATE OF LOUISIANA

PARISH OF JEFFERSON

To M. R. MCDONALD
SGT JPSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 25 day of JUNE in the year of Our Lord 19 90 at 7:00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. MAY 14, 1990

STATE WITNESS

MAY 21 1990

Deputy Clerk

of C #79

2097

PERSONAL

Received on 6/5 1990 and on 6-[illegible]-90 19

I served a true copy of the within

on

herein named in person in the Parish of Jefferson,

Louisiana, at a distance of about miles from the Courthouse.

Returned

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on 19

I served a true copy of the within

on

herein named by leaving the same at domicile in the Parish of Jefferson

in the hands of

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said

the said herein named being

temporarily absent from residence at the time of said service.

Service at a distance of about miles from the Courthouse.

Returned 19

Deputy Sheriff, Parish of Jefferson

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

vs. Aubry N. Wallace

No. 89-2360

Division A

Date 6/25/90

C.R.- Mary DeVun

DISTRICT ATTORNEY LAMBERT JUDGE PORTEOUS

CONTINUANCES

The defendant Aubry N. Wallace appeared before the bar of the court this day for Trial

He was:

1. ( ) represented by _____, attorney.
2. (✓) unrepresented.

The Trial was ordered:

1. ( ) continued to be reassigned.
2. ( ) continued without date.
3. (✓) continued and re-set for 6/26/90 (aral)

The action was taken:

1. ( ) at the request of the assistant district attorney.
2. (✓) at the request of the defendant attorney.
3. ( ) on a joint motion of the assistant district attorney and the attorney for the defendant.
4. ( ) by order of the court.

Barbara Downey
Deputy Clerk

Entry No. 6

ON MINUTES
JUL 17 1990

Crim. #3—Cont

TWENTY-FOURTH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER 85-2360 DIVISION A

STATE OF LOUISIANA

vs.

Aubry Wallace Barbara Downey

Filed 6/26/90

DEFENDANT'S ACKNOWLEDGEMENT OF CONSTITUTIONAL RIGHTS AND WAIVER OF RIGHTS ON ENTRY OF A PLEA OF GUILTY

TO THE DEFENDANT, BY THE TRIAL JUDGE PERSON-TO-PERSON:

Your attorney has indicated to me that he has advised you of your rights (1) to a trial by jury, (2) to confront your accusers, and (3) against self-incrimination and that by entering a plea of guilty, you are waiving or giving up these rights. He has also indicated to me that you have advised him that you understand these things. Is that correct?

I want you to convince me also that you understand what you are doing by entering this plea of guilty. Consequently, I am going to explain the nature of the crime to which you are pleading guilty and I will also explain the consequences of a plea of guilty. If you have any questions, or if you d not understand anything I say, stop me and I will answer your questions and give you any additional instructions which you may desire.

First, tell this court how old you are? 29 And how much schooling have you had? 12th grade H.S. DIPLOMA

1. You are pleading guilty to the crime of R.S. 14:62 SIMPLE BURGLARY

which occured on the 8th day of May, 19 89. The maximum sentence which I can impose is 12 years at hard labor. There is no probation, parole or suspension of sentence for the crime of Armed Robbery or Attempted Armed Robbery. Do you understand that?

2. Do you understand that the plea of guilty is your decision, and no one ca force you to so plead? To plead guilty is your voluntary aot and must be fre from any vice or defect which would render your ability to plead guilty inade Has anyone used any force, intimidation, coercion or promise or reward agains either you or any member of your family for the purpose of making or forcing you to plead guilty?

Page 2

Have you been advised by your counsel that in the event I accept your plea of guilty, that you will be sentenced as follows:

3 yrs at hard labor, suspended, 2 yrs. active probation.

$10/mo.

3. You have the right to a trial by jury, which jury may either find you guilty as charged, guilty of a lesser crime, or not guilty You have the right to hire an attorney of your choice to defend you at that trial. If you cannot afford an attorney, one will be appointed for you, which will cost you nothing. By entering a plea of guilty, you are waiving or giving up these rights. Do you understand that?

4. At any jury trial, you have the right to confront your accusers and to compel testimony on your behalf from your witnesses. By entering this plea of guilty, you are waiving or giving up these rights. Do you understand that?

5. If you were to go on trial, and in the event of a conviction, that is, if the jury finds you guilty, you would have the right to appeal Again, in the event of a appeal, if you could not afford an attorney, one would be appointed for you, which would not cost anything. By entering a plea of guilty, you are waiving or giving up these rights. Do you understand that?

6. If you plead guilty, and this court accepts your plea. you do not have the right to assert any allegations of defects, such as: (a) an illegal arrest; (b) an illegal search and seizure; (c) an illegal confession; (d) an illegal line-up, and (e) the fact that the state might not be able to prove said charge or that a jury would find you guilty. Do you understand that by pleading guilty you are waiving or giving up these rights?

7. Do you understand that by pleading guilty, you are telling this court that you have in fact committed the crime to which you are pleading guilty?

BY DEFENDANT'S ATTORNEY:

I, as attorney for the defendant, was present during the recitation of the foregoing colloquy between the defendant and the trial judge at the time of the defendant's plea of guilty.

I, also, have informed the defendant of his or her rights, particularly the nature of the crime to which he or she is pleading guilty, the maximum sentence the court could impose under the law, and the fact that the defendant, by entering this plea of guilty, is waiving his or her right to trial by jury his or her right to confront his accusers, his or her right against self-incrimination, and lastly, that his or her only appeal is for review of jurisdictional defects; and I am entirely satisfied that the defendant knowingl willingly, intelligently and voluntarily has entered this plea of guilty knowir the consequences.

Joseph J Tool
ATTORNEY

C OF C #81b

BY THE DEFENDANT:

I, as the defendant in this case, acknowledge that the foregoing has been read to me, that my attorney and the trial judge have explained the nature of the crime to which I am pleading guilty, all of my rights to me, and what rights I am waiving or giving up, as listed above, and that I have been given every opportunity by the trial judge to ask questions in open court about anything I do not understand and about all of the consequences regarding my plea of guilty. I am completely satisfied with the explanations of my attorney and the judge.

I FURTHER ACKNOWLEDGE THAT MY ACT OF PLEADING GUILTY IS A KNOWING INTELLIGENT FREE AND VOLUNTARY ACT ON MY PART. I know that no one can force me to plead guilty I know that by pleading guilty I admit I committed the said crime. I know this plea of guilty is more than a confession. It is also a conviction. Nothing remains except for the Judge to give judgment and give me my punishment. I waive all delays for sentencing and acknowledge I am ready for sentencing.

Shirley Wallace
DEFENDANT

BY THE TRIAL JUDGE:

I, as trial judge, have entered into the foregoing colloquy with the defendant. I am entirely satisfied that the defendant was aware of the natur of the crime to which he or she has plead guilty, that the defendant did in fact commit said crime, understands the consequences of said plea of guilty and has made a knowing, intelligent, free and voluntary act of pleading guilt to above mentioned crime. I, therefore, accept the defendant's plea of guilt

June 26, 1990
DATE

JUDGE

ON MINUTES
JUL 17 1990

C OF C #81c

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

VS.

No. 89-2360

AUBRY N. WALLACE

Division A

Date 6/26/90

C.R.-SANDY HANCOCK

DISTRICT ATTORNEY LAMBERT JUDGE PORTEOUS

THE DEFENDANT, AUBRY N. WALLACE APPEARED BEFORE THE BAR OF THE COURT THIS DAY. HE WAS REPRESENTED BY JOSEPH TOSH, HIS ATTORNEY.
THE DEFENDANT WITHDREW HIS FORMER PLEA OF NOT GUILTY AND TENDERED TO THE STATE A PLEA OF GUILTY TO R. S. 14:62 SIMPLE BURGLARY, WHICH PLEA WAS ACCEPTABLE TO THE STATE. THE COURT ADVISED THE DEFENDANT OF ALL OF HIS RIGHTS, INCLUDING HIS RIGHT TO A TRIAL BY JURY, HIS RIGHT TO CONFRONT HIS ACCUSERS AND HIS RIGHT AGAINST SELF-INCRIMINATION AND THE DEFENDANT ACKNOWLEDGED THAT HE UNDERSTOOD. THE DEFENDANT WAIVED THESE RIGHTS AND A WAIVER OF RIGHTS WAS EXECUTED AND FILED INTO THE RECORD. THE COURT ADVISED THE DEFENDANT OF THE ELEMENTS OF THE CRIME. THE DEFENDANT WAIVED ALL LEGAL DELAYS AND REQUESTED IMMEDIATE SENTENCING. THE COURT ADVISED THE DEFENDANT OF THE BASIS FOR SENTENCE IN COMPLIANCE WITH ARTICLE 894.1. THE COURT SENTENCED THE DEFENDANT TO IMPRISONMENT AT HARD LABOR FOR A TERM OF THREE(3)YEARS, GIVING THE DEFENDANT CREDIT FOR TIME SERVED. EXECUTION OF SAID SENTENCE IS SUSPENDED AND THE DEFENDANT IS PLACED ON TWO(2)YEARS.ACTIVE PR(SPECIAL CONDITION OF PROBATION IS THAT DEFENDANT PAY A $10.00 PROBATION SUPERVISION FEE.
THE DEFENDANT REPORTED HIS DATE OF BIRTH AS 6/28/59 AND HIS AGE AS 29 YEARS.

NOTE OF EVIDENCE:
W-AUBRY N. WALLACE

Barbara Downey
DEPUTY CLERK

ON MINUTES
JUL 17 1990

TWENTY-FOURTH JUDICIAL DISTRICT COURT
FOR THE PARISH OF JEFFERSON

HARD LABOR SUSPENDED

DIVISION A DOB: [redacted]

NO. 89-2360 ITEM NO. E-6745-89

COMMITMENT

WHEREAS AUBRY N. WALLACE

was by due form of law lately PLEAD before our 24th Judicial District Court for the Parish of Jefferson of Violating Revised Statute 14:62 (SIMPLE BURGLARY)

and was thereupon sentenced to imprisonment at hard labor, for THREE(3)YEARS, GIVING THE DEFENDANT CREDIT FOR TIME SERVED.

and defendant is committed to the Louisiana Department of Corrections for execution of said sentence in conformity with L. S. A. – R. S. 15:824.

SENTENCE SUSPENDED AND DEFENDANT PLACED ON ACTIVE PROBATION FOR A TERM OF TWO(2)YEARS. SPECIAL CONDITION OF PROBATION IS THAT DEFENDANT PAY a $10.00 A MONTH PROBATION SUPERVISION FEE.

NOW, THEREFORE, You, the said Sheriff, are hereby commanded to carry out in full every part of the aforesaid sentence. And for so doing this shall be your sufficient warrant and authority.

WITNESS, G. THOMAS PORTEOUS, JR. JUDGE presiding in the 24th Judicial District Court, Division A Parish of Jefferson, at the Hall of Sittings of the same, in the City of Gretna, this 26TH day of JUNE in the year of our Lord, one thousand nine hundred and NINETY

JUDGE

ON MINUTES JUL 17 1990

DF 22 7/77

STATE OF LOUISIANA	.	COURT: 24th Judicial District
VS	.	PARISH: Jefferson
Aubry Wallace	.	DOCKET NO.: 89-2360

. . . . . .

PETITION FOR CAUSE

Comes now Willard M. Tucker, Probation and Parole Agent, Louisiana Department of Corrections, presenting an official report on the conduct and attitude of probationer Aubry Wallace who was placed on probation by the Honorable Thomas Porteous on the 26th day of June , 1990 , who fixed the period of probation at two years , and imposed the terms and conditions of probation previously adopted by the court,

AND RESPECTFULLY presenting petition for action of the Court for cause as follows: Subject was sentenced on 2/26/91 under Jeff.#89-0001 to 5 years Hard Labor for Possession of PCP and Possession of Cocaine. He is presently incarcerated with the Department of Corrections in Work Training Facility North.

PRAYING that the court will order that the subject's probation under Jeff.#89-2360 be terminated unsatisfactorily.

Respectfully,

Probation and Parole Agent

Date 12/4/91

* *

ORDER OF THE COURT

CONSIDERING THE foregoing report of the Probation and Parole Agent,

IT IS ORDERED BY THE COURT that subject's probation is hereby terminated unsatisfactorily.

This done on the 11 day of Dec , 19 91

JUDGE

ON MINUTES DEC 13 1991

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 89-2360 DIVISION "A"

STATE OF LOUISIANA

VERSUS

AUBRY N. WALLACE

Filed: 9/20/94 Deputy Clerk

MOTION TO AMEND SENTENCE

NOW INTO COURT, through undersigned counsel, comes AUBRY N. WALLACE, who respectfully requests that this Honorable Court amend his sentenced for the following reasons, to-wit:

1.

The defendant was sentenced on June 26, 1990 to three years in which said sentence was suspended and two years active probation.

2.

The defendant desires to amend his sentence to give him benefit under Article 893.

WHEREFORE, the defendant prays that this Honorable Court amend his sentence.

RESPECTFULLY SUBMITTED,

ORDER

Considering the foregoing, IT IS ORDERED that the sentence on AUBRY WALLACE is hereby amended to include the following wording, "the defendant pled under Article 893".

GRETNA, LOUISIANA this 22 day September, 1994.

JUDGE

DEPUTY CLERK
PARISH OF JEFFERSON, LA.

FILED FOR RECORD
94 SEP 20 AM 10 18

Show cause on the 22nd day of September 1994.

FILMED
OCT 3 1994

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 89-2360 DIVISION "A"

STATE OF LOUISIANA

VERSUS

AUBRY N. WALLACE

Filed: _____ _____
Deputy Clerk

MOTION TO AMEND SENTENCE

NOW INTO COURT, through undersigned counsel, comes AUBRY N. WALLACE, who respectfully requests that this Honorable Court amend his sentenced for the following reasons, to-wit:

1.

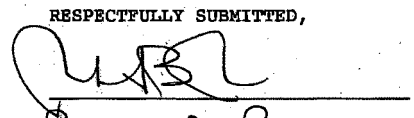
The defendant was sentenced on June 26, 1990 to three years in which said sentence was suspended and two years active probation.

2.

The defendant desires to amend his sentence to give him benefit under Article 893.

WHEREFORE, the defendant prays that this Honorable Court amend his sentence.

RESPECTFULLY SUBMITTED,

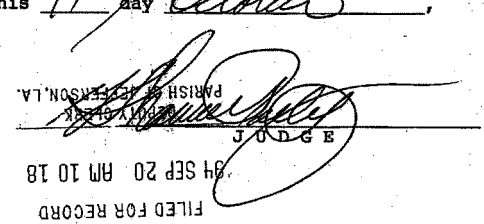


ROBERT B. REES
1216 WORLD TRADE CENTER
N.O. LA 70130

ORDER

Considering the foregoing, IT IS ORDERED that the sentence on AUBRY WALLACE is hereby amended to include the following wording, "the defendant pled under Article 893".

GRETNA, LOUISIANA this 19th day October, 1994.



JUDGE

FILED FOR RECORD
94 SEP 20 AM 10 18
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

FILMED
OCT 3 1994

STATE OF LOUISIANA, PARISH OF JEFFERSON

24th Judicial District Court

State of Louisiana

VS.

AUBRY WALLACE

No. 89-2360

Division A

Date 9/22/94

CR: LISA BROUSSARD

DISTRICT ATTORNEY MIKE REYNOLDS JUDGE PORTEOUS

THE DEFENDANT AUBRY WALLACE APPEARED BEFORE THE BAR OF THE COURT THIS DAY REPRESENTED BY ROBERT REES, ATTORNEY. THE MOTION TO AMENDETHE SETNENCE WAS GRANTED BY THE COURT TO INCLUDE THE FOLLOWING WORDING, "THE DEFENDANT PLED UNDER ARTICLE 893", AND THE DEFENDANT WAS REMOVED FROM PROBATION.

FILMED OCT 3 1994

Darcy Griffin for Angelle Martin
DEPUTY CLERK

Entry No. 8
C of C #183

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER: 89-2360 DIVISION: "A"

STATE OF LOUISIANA

VERSUS

AUBRY N. WALLACE

FILED: 10-14-94 DEPUTY CLERK: Darcy Duffin

ORDER

Considering the foregoing Motion to Set Aside Conviction;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the matter under docket number: 89-2360, 24TH JUDICIAL DISTRICT COURT, DIVISION "A" without entering a judgment of guilt under Article 893, all charges filed under the captioned case number be dismissed and be hereby set aside on this 14th day of October, 1994.

Gretna, Louisiana this 14th day of October, 1994.

JUDGE

FILMED

OCT 19 1994

SUBPOENA

No. 892360

STATE OF LOUISIANA

vs.

AUBRY WALLACE

Office of JON A. GEGENHEIMER Clerk of Court

24th Judicial District Court

for the
STATE OF LOUISIANA
PARISH OF JEFFERSON

To M R MCDONALD
SGT JPSO 3RD DIST

DIV. A

You are hereby ordered to appear before the 24th Judicial District Court in and for the Parish of Jefferson on the 23 day of AFRIL in the year of Our Lord 19 90 at 9 :00 A.M. for the purpose of: TRIAL in the above entitled matter.

By order of the Court:

Clerk's Office, Courthouse, Gretna, La. FEBRUARY 16,1990

STATE WITNESS

FEB 21 1990

Deputy Clerk

C of C #79

2110

PERSONAL

Received on 2/3 19 90 and on 2-2 90 19

I served a true copy of the within

on Dep. R. McDonell

herein named in person in the Parish of Jefferson,

Louisiana, at a distance of about _____ miles from the Courthouse.

Returned _____

Deputy Sheriff, Parish of Jefferson

DOMICILIARY

Received on _____ 19

I served a true copy of the within

on _____

herein named by leaving the same at _____ domicile in the Parish of Jefferson

in the hands of _____

a person apparently over the age 16 years, living and residing in the said domicile whose name and other facts

connected with this service I learned by interrogating the said _____

the said _____ herein named

temporarily absent from _____ residence at the time of said service.

Service at a distance of about _____ miles from the Courthouse.

Returned _____ 19

Deputy Sheriff, Parish of Jefferson

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2003 MAR 31 PM 3:
LORETTA G. WHYTE
CLERK

FELONY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

SUPERSEDING BILL OF INFORMATION FOR VIOLATIONS OF THE FEDERAL CONTROLLED SUBSTANCES ACT, DEPRIVATION OF HONEST SERVICES, AND CONSPIRACY TO COMMIT MAIL FRAUD

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 02-219
v.	*	SECTION: "C"(4)
RONALD D. BODENHEIMER	*	VIOLATION: 21 U.S.C. § 841(a)(1) 18 U.S.C. § 846
	*	18 U.S.C. § 1341 18 U.S.C. § 1346
* *	*	18 U.S.C. § 2 18 U.S.C. § 371

The United States Attorney charges that:

COUNT 1

From a time unknown, but prior to October 2001, through June 2002, in the Eastern District of Louisiana and elsewhere, the defendant, **RONALD D. BODENHEIMER,** did knowingly and intentionally combine, conspire, confederate and agree with Curley J. Chewning and with other persons known and unknown to the Grand Jury, to distribute and attempt to distribute, and to possess and attempt to possess with the intent to distribute, a quantity of Oxycodone, a Schedule II narcotic drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

Fee
Process
X Dktd
CtRmDep
Doc. No. 64

COUNT 2

From in or about the Fall of 2001, and continuing through in or about June 2002, in the Eastern District of Louisiana and elsewhere, the defendant, **RONALD D. BODENHEIMER,** and others, knowingly and willfully devised and intended to devise a scheme and artifice to defraud the citizens of the State of Louisiana by depriving them of **RONALD D. BODENHEIMER**'s honest and faithful services as a judge overseeing a domestic proceeding in the 24th Judicial District, State of Louisiana, performed free from deceit, bias, self-dealing, and concealment.

Specifically, on or about February 19, 2002, in the Eastern District of Louisiana, **RONALD D. BODENHEIMER** did knowingly and willfully cause to be placed in an authorized depository for mail matter, and delivered by the United States Postal Service according to the direction thereon, a Judgment relating to the preschool attendance of a minor child, among other things; in violation of Title 18, United States Code, Sections 1341, 1346 and 2.

COUNT 3

From a time unknown, but prior to April 1999, and continuing through in or about June 2002, in the Eastern District of Louisiana and elsewhere, the defendant, **RONALD D. BODENHEIMER,** did knowingly and intentionally combine, conspire, confederate and agree with other persons known and unknown to the Grand Jury to knowingly and willfully devise and intend to devise a scheme and artifice to defraud the citizens of the State of Louisiana, by depriving them of **RONALD D. BODENHEIMER**'s honest and faithful services as a judge handling bail bonds in criminal cases pending in the 24th Judicial District, State of Louisiana,

performed free from deceit, bias, self-dealing, and concealment, in violation of Title 18, United States Code, Sections 1341 and 1346.

Overt Acts

In furtherance of the conspiracy and to accomplish its purposes, **RONALD D. BODENHEIMER**, and others, committed the following overt acts, among others, in the Eastern District of Louisiana and elsewhere:

1. Throughout the period of the conspiracy, **BODENHEIMER** regularly set, reduced, and split bonds underwritten by a Jefferson Parish bail bonding company in criminal cases pending before him and other judges, irrespective of whether he was scheduled for "magistrate duty". A significant factor in **BODENHEIMER'S** decision making was to accommodate the interest of the bonding company. **BODENHEIMER** routinely set the bonds at a level requested by the bail bonding company in a manner which would tend to maximize the company's profits; that is, by securing the maximum amount of premium money available from the criminal defendant and his family.

2. During the period of the conspiracy, the bail bonding company routinely used the mails and other common carriers in furtherance of the scheme, particularly with regard to the processing of bond premiums and in the billing of the criminal defendants and their families.

3. Throughout the period of the conspiracy, the bail bonding company routinely provided things of value to **BODENHEIMER** which were paid for among other ways through the use of credit cards; payment for the credit card bills were made through the mails;

all in violation of Title 18, United States Code, Section 371.

JIM LETTEN
United States Attorney
Bar Roll No. 8517

NOEL L. HILLMAN
Chief, Public Integrity Section
Criminal Division
U.S. Department of Justice

JAN MASELLI MANN
Chief, Criminal Division
Assistant United States Attorney
Bar Roll No. 9020

MICHAEL W. MAGNER
Assistant United States Attorney
Bar Roll No. 1206

WILLIAM P. GIBBENS
Assistant United States Attorney
Bar Roll No. 27225

NANCY J. NEWCOMB
Senior Trial Attorney
Public Integrity Section
Criminal Division
U.S. Department of Justice

New Orleans, Louisiana
March 31, 2003

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2003 MAR 31 PM 3:24
LORETTA G. WHYTE
CLERK

U.S. Department of Justice

Eastern District of Louisiana
U. S. Attorney's Office

Michael W. Magner
Assistant United States Attorney

Hale Boggs Federal Building
501 Magazine Street, Second Floor
New Orleans, LA 70130

Telephone # (504) 680-3103
Fax # (504) 589-4393

March 28, 2003

The Honorable Helen G. Berrigan
United States District Judge
Eastern District of Louisiana
500 Camp Street
New Orleans, Louisiana 70130

Re: United States v. Ronald D. Bodenheimer
Criminal Docket No. 02-219 "C"

Dear Judge Berrigan:

In compliance with the holding of Bryan v. United States, 492 F.2d 775 (1974) and with Rule 11 of the Federal Rules of Criminal Procedure, the government wishes to acknowledge the following agreement between the United States of America and Ronald D. Bodenheimer, the defendant in the above-captioned proceeding. Defendant's undersigned counsel has reviewed the terms of this Agreement; counsel for Bodenheimer has been advised by the defendant that the defendant fully understands the terms of this agreement.

A. THE CHARGES

The government has agreed that the defendant will be charged in a Bill of Information with one count of conspiracy to distribute oxycodone in violation of 21 U.S.C. § 846, one count of mail fraud involving the deprivation of the honest services of a public official in violation of Title 18 U.S.C. § § 1341 and 1346, and one count of conspiracy to commit mail fraud involving the deprivation of the honest services of a public official in violation of Title 18 U.S.C. § 371. The government has further agreed that it will allow the defendant to plead guilty to those charges if this agreement is accepted by the Court and that it will not bring any other criminal charges against the defendant in the Eastern District of Louisiana regarding activities which relate to the defendant's participation in the activities set forth in the Bill of Information, or which are disclosed to the government in the defendant's cooperation with the government in response to questions they pose.

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The defendant agrees the government will charge him in a Bill of Information, and he waives his right to be charged in any other fashion.

The parties stipulate that a sentence of 42 months is appropriate for the offenses charged provided defendant meets his obligations under this agreement. The parties have made this determination after due consideration of the appropriate sentencing guidelines and all appropriate sentencing adjustments in consultation with the United States Probation Office. Therefore, the parties stipulate that defendant should be sentenced to 42 months imprisonment. The parties further stipulate pursuant to Federal Rule of Criminal Procedure 11(e)(1)(C), that in the event this plea agreement is accepted by the Court, this stipulation is binding.

In the event the Court does not accept this stipulation and states that a sentence in excess of 42 months is justified, pursuant to Federal Rule of Criminal Procedure 11(e)(4), defendant shall be afforded the opportunity to withdraw from the plea. In the event the Court does not accept this stipulation and states that for reasons other than as provided by Paragraph G of this Plea Agreement relating to substantial assistance a sentence of less than 42 months is justified, the Government shall be afforded the opportunity to withdraw from the plea.

B. MAXIMUM PENALTIES

The defendant further understands that the penalty defendant may receive should his plea of guilty be accepted for the drug conspiracy is a term of imprisonment of up to twenty years and/or a fine of $2,000,000 or an alternative fine of twice the gross gain to the defendant or twice the gross loss to any victim. As for the mail fraud and conspiracy charges, the maximum penalty for each count is a term of imprisonment of up to five years and/or a fine of $250,000 or an alternative fine twice the gross gain to the defendant or twice the gross loss to any victim.

It also is understood that the Court must order restitution to any victim in this case under the provisions of 18 U.S.C. § 3663, if the Court finds it appropriate to do so. The defendant agrees that any restitution imposed will be non-dischargeable in any bankruptcy proceeding and that defendant will not seek or cause to be sought a discharge or a finding of dischargeability as to the restitution obligation.

C. SPECIAL ASSESSMENT

Further, the defendant understands that a mandatory special assessment fee of $100 per count shall be imposed under the provisions of 18 U.S.C. § 3013. This special assessment must be paid on the date of sentencing.

D. SUPERVISED RELEASE TERM

The defendant further understands that the Court, in imposing a sentence of a term of imprisonment, may include as part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment for a period of up to five years pursuant to 18 U.S.C. § 3583. Supervised release is a period following release from prison during which defendant's conduct will be monitored by the Court or the Court's designee. Defendant fully understands that if defendant violates any of the conditions of supervised release that the Court has imposed, defendant's supervised release may be revoked and defendant may be ordered by the Court to serve in prison all or part of the term of supervised release.

E. WAIVER OF APPEAL

Except as otherwise provided in this paragraph, the defendant hereby expressly waives the right to appeal his sentence on any ground, including but not limited to any appeal right conferred by 18 U.S.C. § 4242 on the defendant, and the defendant further agrees not to contest his sentence in any post-conviction proceeding, including but not limited to a proceeding under 28 U.S.C. § 2255. The defendant, however, reserves the right to appeal the following: (a) any punishment imposed in excess of the statutory maximum, and (b) any punishment to the extent it constitutes an upward departure from the sentence set forth in Paragraph A.

F. HYDE AMENDMENT

The defendant agrees to waive any right to seek attorney's fees and/or litigation expenses under the "Hyde Amendment," 18 U.S.C. § 3006A and the defendant acknowledges that the government's position in the instant prosecution was not vexatious, frivolous or in bad faith.

G. DEFENDANT'S FULL AND TRUTHFUL COOPERATION

This plea agreement is predicated upon the fact that the defendant agrees to submit to interviews whenever and wherever reasonably requested by law enforcement authorities. The defendant understands he must be completely truthful. The defendant also agrees to appear before any grand jury or trial jury and to testify truthfully. The defendant agrees neither to implicate anyone falsely nor to exculpate or protect anyone falsely. The defendant understands if he is not truthful, or withdraws from, or materially breaches this Agreement, said Agreement will be null and void, and notwithstanding any other provision of this agreement, the defendant may be prosecuted for perjury or making false statement, as well as any other appropriate charges and any statements he has made can be used against him.

The defendant further agrees, subject to Court approval, to a delay of his sentencing date until the completion of his cooperation, including his testimony in any trial(s).

In consideration of the defendant's willingness to acknowledge his guilt and accept responsibility for his wrongful conduct in compliance with the aforementioned conditions, the Government agrees that it will do the following:

1. The Government will bring to the attention of all federal courts, prosecutors and Probation Officers of any cooperation rendered to law enforcement by the defendant. However, the defendant's cooperation does not automatically require the Government to request a departure from the sentencing guidelines for substantial assistance to the Government. That decision will be made by the Government, in its sole discretion, after it evaluates the cooperation. If the Government decides to file a motion that the Court may depart pursuant to USSG § 5K1.1 of the sentencing guidelines, the Government will file a motion at a time determined by the Government, and only after the Government evaluates the entire cooperation of the defendant. The defendant understands the motion could be filed prior to or at sentencing. After sentencing, any such motions would be governed by Rule 35 of the Federal Rules of Criminal Procedure.

2. The Government also agrees that any statements or testimony given by the defendant, as of and after the date of this letter, pursuant to questions asked by law enforcement agents or prosecutors as a result of this agreement, will not be used against him, including in connection with sentencing under USSG § 1B1.8. However, all parties understand that the United States may make derivative use of such statements or testimony and may pursue investigative leads therefrom, and will not be required at any time to prove an independent source at any Kastigar or other hearing held thereon. This agreement not to use statements or testimony does not apply to crimes of violence. Further, the defendant fully understands that should he commit perjury or give false statements to federal agents, such statements and testimony can be used, and he faces additional charges involving false statements and perjury.

H. FORFEITURE

The defendant agrees to forfeit and give to the United States prior to the date of sentencing any right, title and interest which the defendant may have in the any assets or interest in assets, including but not limited to cash assets, negotiable instruments, securities, property or other things of value, including any and all property which has been transferred or sold to or deposited with any third party, known or unknown by the defendant for a period of not less than 10 years prior to the date of the signing of this agreement that were obtained through defendant's illegal activities as well as any asset, interest, or proceeds defendant received or could receive or cause to be received by a third party in the future, directly or indirectly, in whole or in part, from defendant's illegal activities. The parties agree that such property will be enumerated in an attachment to this agreement.

The defendant further agrees to submit to interview whenever and wherever requested by law enforcement authorities regarding all assets within his possession or those assets transferred or sold to or deposited with any third party as outlined within the preceding paragraph. It is also understood that defendant will fully cooperate in providing any and all financial information and documentation, agrees to voluntarily execute a complete and thorough Financial Statement, Form OBD-500.

I. NO SIDE AGREEMENTS

The defendant understands that the statements set forth above represent defendant's entire agreement with the government. There are not any other agreements, letters, or notations that will affect this agreement.

Very truly yours,

JIM LETTEN
United States Attorney

MICHAEL W. MAGNER
Assistant United States Attorney

WILLIAM P. GIBBENS
Assistant United States Attorney

SALVADOR PERRICONE
Assistant United States Attorney

NANCY J. NEWCOMB
Senior Trial Attorney
Public Integrity Section
United States Department of Justice

Edward Castaing, Esq.
Attorney for the Defendant

Ronald D. Bodenheimer
Defendant

March 28 2003
DATE

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2003 MAR 31 PM 3: 24
LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

ORIGINAL

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 02-219
v.	*	SECTION: "C"(4)
RONALD D. BODENHEIMER	*	
	*	

* * *

FACTUAL BASIS

COUNT ONE

If this case were to proceed to trial, the Government would prove that defendant, **RONALD D. BODENHEIMER,** conspired with Curley J. Chewning to distribute and attempt to distribute, and possess and attempt to possess with the intent to distribute, a quantity of oxycodone in order to intimidate, harass, discredit, and silence a neighbor from making public complaints against **BODENHEIMER** and the Venetian Isles Marina ("VIM"), which **BODENHEIMER** controlled. The Government would prove the defendant's guilt through the testimony of competent witnesses and the introduction of admissible evidence.

The Government would demonstrate that:

1. In late Summer or early Fall of 2001, **BODENHEIMER** discussed with a Jefferson Parish police officer a plan to arrange for the false arrest for drug possession of a neighbor at VIM who was aggravating **BODENHEIMER**.

2. On October 2, 2001, **BODENHEIMER** told an employee of VIM that she

Imp. Task Force
Dep. Exh. 45

HP Exhibit 0245

Doc. No. 67

HP EXHIBIT 88(f)

should "bide her time" because a certain neighbor's "time was coming". **BODENHEIMER** counseled the employee that in the meantime, "aggravate the little p.... as much as possible", referring to the neighbor.

3. On October 10, 2001, **BODENHEIMER** and a private investigator discussed the fact that the neighbor was making complaints to government agencies about oil spills at VIM. The private investigator and **BODENHEIMER** talked about the delay this would cause in their plan to retaliate against the neighbor. The private investigator stated that the incident "puts us back on the time, 'cause if we do something to him now, it's going to look like it's a, you know...." **BODENHEIMER** and the private investigator agreed they would defer their actions for at least a couple of weeks. The private investigator told **BODENHEIMER**, "I mean no, when we are ready, I'm ready...."

4. On January 30, 2002, **BODENHEIMER** and the private investigator had a conversation concerning the neighbor in which **BODENHEIMER** stated, "[I] still got to do something with that kid, from that Venetian Isles thing." After further discussion about the neighbor, the private investigator stated, "[I] say somebody ought to kick the f... out of him." **BODENHEIMER** responded, "Yeah, I want him hurt worse than that." Immediately thereafter, **BODENHEIMER** and the private investigator discussed plans to plant crack cocaine in the neighbor's vehicle and have the neighbor falsely arrested.

5. In early 2002, **BODENHEIMER** discussed with a New Orleans police officer a plan to plant illegal drugs of a type and in a quantity which would lead to a false felony arrest of an individual who was causing trouble to **BODENHEIMER** at VIM.

6. On February 4, 2002, **BODENHEIMER** called Chewning. **BODENHEIMER** told Chewning that he needed someone to "get close" to the neighbor. Chewning agreed to "see what he's up to."

7. On March 6, 2002, **BODENHEIMER** and Chewning met and discussed how the neighbor and others observed **BODENHEIMER**'s activities at VIM. **BODENHEIMER** stated "I gotta get this mother f..... out of my hair".

8. On March 11, 2002, **BODENHEIMER** and Chewning discussed in a telephone call getting the "product" that they needed to plant drugs on the neighbor and when it would occur. Chewning told **BODENHEIMER** that he would give him a day's notice before planting the drugs.

9. On March 17, 2002, **BODENHEIMER** and Chewning discussed in a telephone call a meeting in Slidell later that evening.

10. On April 2, 2002, **BODENHEIMER** had a telephone conversation with Chewning during which they discussed a scenario designed to provide Chewning access to the inside of the neighbor's vehicle. The scenario consisted of Chewning taking his vehicle to the neighbor's place of employment, leaving it there to have the transmission checked, and then asking the neighbor for a ride to another location, where **BODENHEIMER** would pick up Chewning.

11. On April 18, 2002, **BODENHEIMER** and Chewning had a telephone conversation during which they discussed Chewning meeting with the neighbor on April 19, 2002. Chewning told **BODENHEIMER** that he was meeting with the neighbor at 7:00 p.m. and "it is all going be good with that, you know, because I'm going to be in the

truck." Chewning and **BODENHEIMER** discussed that "something" was "up" with the neighbor. Chewning told **BODENHEIMER** "let's see, let's see who sinks the deepest hook." **BODENHEIMER** responded, "It's like a knife fight while dancing."

12. On April 19, 2002, Chewning placed a plastic baggie that contained three Oxycodone pills, a Schedule II drug controlled substance, into the neighbor's vehicle.

13. On April 20, 2002, **BODENHEIMER** and Chewning met in the parking lot of a gas station in Slidell, Louisiana.

14. On April 21, 2002, **BODENHEIMER** told Chewning that he **(BODENHEIMER)** was at VIM and asked Chewning, "are you taking a ride or what?" Chewning asked if **BODENHEIMER** thought it was "cool" to come to VIM "at this particular point."

15. The Government has no evidence that **BODENHEIMER** in fact, called the police in an effort to effect the arrest of the neighbor.

COUNT TWO

If this case were to proceed to trial, the Government would prove that defendant, **RONALD D. BODENHEIMER,** a Louisiana district court judge, along with Philip M. Demma and Bryan M. White, devised and intended to devise a scheme and artifice to defraud and to deprive the citizens of the State of Louisiana of **BODENHEIMER**'s honest and faithful services, performed free from deceit, bias, self-dealing, and concealment. **BODENHEIMER** did so by using his position as judge to enrich himself by making rulings favorable to the father in a domestic proceeding over which he presided in exchange for things of value, including assistance with quashing

unfavorable publicity, assistance in obtaining a lucrative seafood contract, and other things of value. The Government would prove the defendant's guilt through the testimony of competent witnesses and the introduction of admissible evidence.

The Government would demonstrate that:

1. On February 1, 2001, a seafood wholesaler appeared in **BODENHEIMER**'s court for a criminal hearing. **BODENHEIMER** advised the parties that he knew the seafood wholesaler but failed to reveal fully his relationship with the seafood wholesaler.

2. On or about October 2, 2001, **BODENHEIMER** appointed Social Worker 1 to make recommendations on an issue concerning the preschool attendance of the minor child.

3. On October 2, 2001, **BODENHEIMER** called a close relative of the father and stated his intention to manipulate the proceedings in the father's favor. **BODENHEIMER** said that when the father was in **BODENHEIMER**'s court earlier that day, **BODENHEIMER** "had to act like I was neutral . . . cuz if I would have acted any other way his wife was gonna file a motion to recuse." **BODENHEIMER** further asked the close relative of the father to "let him (the father) know that . . . I know what he did for me, I'm talking about with that T.V. thing." **BODENHEIMER** stated that "I'm not gonna forget what he did" and "he will get everything he wants." **BODENHEIMER** repeated that "I remember what he did. I don't forget my friends and he was a friend to me and I'll see that he gets what he wants." **BODENHEIMER** further told the close relative of the father that "if he (the father) wants to talk to me at all or let me know

anything, tell you and you can give me a call."

4. On October 9, 2001, **BODENHEIMER** and the seafood wholesaler discussed the possibility of selling shrimp to one of the father's businesses, and **BODENHEIMER** told the seafood wholesaler that he planned to meet with the father's attorney the following week to try to put something together.

5. In the Spring of 2001, **BODENHEIMER** requested the seafood wholesaler provide him with fuel for VIM. Subsequently, the seafood wholesaler provided **BODENHEIMER** with four shipments of fuel worth in excess of $16,000. **BODENHEIMER** never paid for the fuel.

6. On November 7, 2001, **BODENHEIMER** and White had a conversation in which neither the mother involved in the domestic proceeding nor the mother's attorney participated. During this conversation, **BODENHEIMER** and White discussed the basis of the mother's recusal motion. **BODENHEIMER** instructed White to tell the father's attorney to file a discovery motion to seek the mother's full grounds for recusal.

7. On November 20, 2001, an individual called **BODENHEIMER** on behalf of the close relative of the father and relayed a request that **BODENHEIMER** attend a meeting the following evening at a restaurant with the close relative and "that guy he (the close relative) had gotten you to talk to once before." **BODENHEIMER** agreed to meet and, in fact, did meet with the father later that evening at another location.

8. On December 11, 2001, **BODENHEIMER** and White had a conversation in which neither the mother nor the mother's attorney participated. They decided that Social Worker 1 appeared to be taking a position favorable to the mother.

BODENHEIMER suggested that he and White could "get some mileage" by appointing Lawyer 1 as "Guardian Ad Litem" for the minor child.

9. On December 18, 2001, **BODENHEIMER** signed an Order appointing Lawyer 1 as "Guardian Ad Litem" for the minor child and caused the Order to be mailed.

10. On December 18, 2001, the father's attorney caused to be mailed a letter to the mother's attorney stating the father's position regarding Christmas visitation with the minor child.

11. On December 21, 2001, **BODENHEIMER** ruled that the father would have visitation rights with the minor child on Christmas Eve and Christmas morning.

12. On December 21, 2001, Demma called **BODENHEIMER** to discuss **BODENHEIMER**'s Christmas visitation rulings for the minor child. **BODENHEIMER** asked Demma, "How'd I do?" in getting the father Christmas Eve and Christmas morning, and Demma responded: "My man! . . . That's exactly what he wanted . . . . Score, scoring big points I'ma call him at home now to ask him is if he's happy with that. I'll call you right back."

13. On December 21, 2001, while discussing **BODENHEIMER**'s Christmas visitation rulings, **BODENHEIMER** instructed Demma to "Tell [the father] I gave him everything Bryan asked for."

14. On December 28, 2001, **BODENHEIMER** and the seafood wholesaler discussed how **BODENHEIMER**'s shrimp distribution operation at VIM could handle a shrimp supply contract with the father's businesses.

15. On January 7, 2002, White called **BODENHEIMER** to schedule a hearing for the father to voice his complaints about the mother, and **BODENHEIMER** suggested that the father's attorney file a motion to hold the mother in contempt.

16. On January 7, 2002, the father's attorney filed a motion to hold the mother in contempt.

17. On January 8, 2002, **BODENHEIMER**, Demma, and White held a telephone conference in which neither the mother nor the mother's attorney participated. During this conference, they agreed that Demma should not attend the upcoming hearing in the proceedings. White said that the mother would "start screaming the fix is in" if she saw Demma in court.

18. On January 8, 2002, **BODENHEIMER** instructed Demma to get a copy of a seafood contract for a business owned by the father from White.

19. On January 16, 2002, Demma told **BODENHEIMER** what rulings the father wanted him to make at an upcoming hearing.

20. On January 24, 2002, **BODENHEIMER** expressed his disappointment to Demma at the way things had been working out with the social workers assigned to the proceedings, especially since **BODENHEIMER** had been "appointing the ones that I thought would be most favorable to him (the father) in the first place."

21. On January 29, 2002, after talking with the father about the previous day's hearing, Demma told **BODENHEIMER** that, "He is so pleased with you, pal. . . . He is so pleased with you it's unreal."

22. On January 29, 2002, **BODENHEIMER** signed a judgment granting the

mother's application to file a writ of review on **BODENHEIMER**'s January 28, 2002 order relating to the preschool attendance issue but denying the mother's request to stay **BODENHEIMER**'s ruling. **BODENHEIMER** explained to Demma that by denying the mother's motion for a stay, the school year would "be over before the appeal gets taken."

23. On February 2, 2002, **BODENHEIMER** and Demma discussed their efforts to obtain a copy of a seafood contract for one of the father's businesses from White, and **BODENHEIMER** stated "We, we gonna start bugging him again next week."

24. On February 11, 2002, the father's attorney caused to be mailed a proposed judgment relating to the preschool attendance of the minor child, among other things.

25. On February 19, 2002, **BODENHEIMER** signed and caused to be mailed a judgment relating to the preschool attendance of the minor child, among other things.

26. On February 26, 2002, White caused the shrimp prices to be faxed to Demma.

27. On March 7, 2002, **BODENHEIMER** and the seafood wholesaler agreed to meet at **BODENHEIMER**'s residence to discuss the seafood prices.

28. On March 7, 2002, White and **BODENHEIMER** discussed scheduling the next hearing in the proceedings, during a conversation in which neither the mother nor the mother's attorney participated. During this conversation, White told **BODENHEIMER** that he had additional prices at his office and would "be happy to get 'em" to **BODENHEIMER**. White added that, "I promise you I'll get you some stuff very

soon with the rest of the fresh seafood that we buy."

29. On April 26, 2002, **BODENHEIMER** told the seafood wholesaler that he would be having lunch with "that boy" from a company associated with the father the next week and intended to ask him "where the f--- is that contract you promised me."

COUNT THREE

If this case were to proceed to trial, the Government would prove that defendant, **RONALD D. BODENHEIMER**, a Louisiana district court judge, conspired with the owners and employees of a Jefferson Parish bail bonding company, and others known and unknown to devise and intend to devise a scheme and artifice to defraud and to deprive the citizens of the State of Louisiana of **BODENHEIMER**'s honest and faithful services, performed free from deceit, bias, self-dealing, and concealment. **BODENHEIMER** did so by using his position as judge to enrich himself by setting, reducing, and splitting bonds in various criminal matters pending before him as well as other judges on terms most advantageous to the bail bonding company in exchange for things of value, including meals, trips to resorts, campaign contributions, home improvements, and other things of value. The Government would prove the defendant's guilt through the testimony of competent witnesses and the introduction of admissible evidence.

The Government would demonstrate that:

1. At various times during the period from August 2001 through April 2002, the Government conducted court authorized electronic surveillance of **BODENHEIMER**'s home telephone, office telephone, and chambers, as well as the

telephones of the bail bonding company. This surveillance confirmed that **BODENHEIMER** regularly set, reduced, and split bonds in criminal cases pending before him and other judges, irrespective of whether he was scheduled for "magistrate duty". The bonds were routinely set at a level requested by the bail bonding company which would tend to maximize their profits by securing the maximum amount of premium money available from the criminal defendant and his family. **BODENHEIMER** made himself available to handle bonding matters for the bail bonding company on a 24/7 basis. It was reasonably foreseeable to **BODENHEIMER** that the bail bonding company routinely used the mails and other common carriers in furtherance of the scheme, particularly with regard to the processing of bond premiums and in the billing of the criminal defendants and their families.

2. The bail bonding company routinely purchased lunches, drinks, and dinners for **BODENHEIMER** and, in 1999, paid for a trip to the Beau Rivage Casino for **BODENHEIMER** and his wife. These things of value were routinely paid for by the bail bonding company through the use of credit cards, and it was reasonably foreseeable to **BODENHEIMER** that the payments for the credit card bills were made through the mails.

3. The bail bonding company arranged for home improvements to be made at **BODENHEIMER**'s residence, in return for the advantageous handling of bond matters.

4. The bail bonding company made campaign contributions to **BODENHEIMER** in return for the advantageous handling of bond matters. Louisiana

law requires that judges make regular campaign finance reports. Correspondence relative to such reports were routinely handled through the mails.

RONALD D. BODENHEIMER
DEFENDANT

EDDIE J. CASTAING, ESQ.
ATTORNEY FOR DEFENDANT

MICHAEL W. MAGNER
Assistant United States Attorney
Bar Roll No. 1206

WILLIAM J. GIBBENS
Assistant United States Attorney
Bar Roll No. 27225

NANCY J. NEWCOMB
Senior Trial Attorney
Public Integrity Section
Criminal Division
U.S. Department of Justice

New Orleans, Louisiana
March 28, 2003

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2003 MAR 31 PM 3:24
LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 02-219
v.	*	SECTION: "C"(4)
RONALD D. BODENHEIMER	*	
	*	

* * *

Supplement to Factual Basis

In addition, the Government would demonstrate the following:

The laws of the State of Louisiana provided that Louisiana District Judges shall be faithful to the law; shall be unswayed by partisan interests; shall perform judicial duties without bias or prejudice; shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice; shall not permit private or ex parte interviews, arguments or communications designed to influence their judicial action in any case, either civil or criminal; shall dispose of all judicial matters promptly, efficiently and fairly; shall respect and comply with the law; and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

The Louisiana Constitution provided that Louisiana District Judges must support the Constitution and laws of the United States and the Constitution and laws of the State of Louisiana and must faithfully and impartially discharge and perform all the duties incumbent upon them as Louisiana District Judges, according to the best of their ability and understanding.

The Government would demonstrate that defendant Bodenheimer's actions in connection with the conduct set forth in Count 2 and 3 of the Factual Basis constitute false and fraudulent material misrepresentations and/or omissions.

RONALD D. BODENHEIMER
DEFENDANT

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Doc. No. 68

EDDIE J. CASTAING, ESQ.
ATTORNEY FOR DEFENDANT

MICHAEL W. MAGNER
Assistant United States Attorney
Bar Roll No. 1206

WILLIAM P. GIBBENS
Assistant United States Attorney
Bar Roll No. 27225

NANCY J. NEWCOMB
Senior Trial Attorney
Public Integrity Section
Criminal Division
U.S. Department of Justice

New Orleans, Louisiana
March 28, 2003

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CRIMINAL ACTION

VS. RONALD D. BODENHEIMER xxx-xx-2437 (SOC. SEC. NO.)

02-00219-001 "C" (CASE NO./SEC.)

2004 APR 30 PM 12:52

WHYTE

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date ---------- Month (APRIL Day 28, Year 2004)

XX WITH COUNSEL EDWARD J. CASTAING, JR.
(Name of Counsel)

Assistant U.S. Attorney: MICHAEL W. MAGNER U.S. Probation Officer: DAVID L. ARENA
Court Reporter: RHONDA HARDIN Courtroom Deputy: KIMBERLY A. COUNTY

PLEA: XX **GUILTY,** and the court being satisfied that there is a factual basis for the plea.
There being a finding of **GUILTY ON MARCH 31, 2003, AS TO COUNTS 1, 2 & 3 OF THE SUPERSEDING BILL OF INFORMATION**
PLEA ACCEPTED UNCONDITIONALLY AT SENTENCING

Defendant has been convicted as charged of the offense(s) of 21 USC §§ 841(a)(1) and 846 - CONSPIRACY TO DISTRIBUTE AND ATTEMPT TO DISTRIBUTE, AND TO POSSESS AND ATTEMPT TO POSSESS WITH INTENT TO DISTRIBUTE OXYCODONE AND 18 USC §§ 1341, 1346 and 2 - MAIL FRAUD INVOLVING THE DEPRIVATION OF THE HONEST SERVICES OF A PUBLIC OFFICIAL AND 18 USC § 371 - CONSPIRACY TO COMMIT MAIL FRAUD INVOLVING THE DEPRIVATION OF THE HONEST SERVICES OF A PUBLIC OFFICIAL

The sentence is imposed pursuant to the Sentencing Reform Act of 1984. The court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 46 months as to Counts 1, 2 and 3, to be served concurrently. It is further ordered that the defendant shall pay to the United States a fine of $50,000.00 as to Count 1. Said fine includes the cost of confinement, pursuant to U.S.S.G. §5E1.2(f) and (I). the Court waives the interest requirement in this case. The payment of the fine shall begin while the defendant is incarcerated. Upon release, any unpaid balance shall be paid at a rate of $500.00 per month. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three years. This term consists of terms of three years on each of Counts 1, 2 and 3, all such terms to run concurrently. Within 72 hours of release from the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in the district to which the defendant is released. While on supervised release, the defendant shall comply with the mandatory and standard conditions that have been adopted by this Court, and shall not possess a firearm. In addition, the following special conditions are imposed: 1. The defendant shall provide the probation officer with access to any requested financial information. 2. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule. 3. The defendant shall participate in an orientation and life skills program as directed by the probation officer. 4. The defendant shall participate in a program of testing and/or treatment for alcohol abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall contribute to the cost of such treatment to the extent that the defendant is deemed capable by the probation officer. 5. The defendant shall pay any fine that is imposed by this judgment, and that remains unpaid at the commencement of the term of supervised release. Government's oral motion to dismiss the underlying indictment and the superseding indictment - GRANTED. It is further ordered that the defendant surrender himself to the institution designated by the Bureau of Prisons no later than 12:00 noon on June 28, 2004.

IT IS FURTHER ORDERED that the defendant shall pay to the United States a special assessment of $ 100.00 as to Counts 1, 2 & 3, for a total assessment of $ 300.00

IT IS FURTHER ORDERED that the defendant notify the United States Attorney for this District within 30 days of any change of residence or mailing address until all fines, restitution, costs and special assessments imposed by this Judgment are fully paid. In addition to the special conditions of probation imposed above, **IT IS HEREBY ORDERED** that the general conditions of probation/supervised release set out on the reverse side be imposed.

DATE OF ENTRY
APR 30 2004

SIGNED BY: HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE
(Date) April 30, 2004

Fee
Process
X Dktd
CtRmDep
Doc. No. 106

CERTIFIED AS A TRUE COPY
AS OF THIS DATE
BY:
Deputy Clerk

HP EXHIBIT 88(h)

PROFESSIONAL BAIL AGENTS
OF THE
UNITED STATES

1996
MID-YEAR
CONFERENCE

July 11-13, 1996
Royal Sonesta Hotel
New Orleans, Louisiana

Professional Bail Agents of the United States
1155 Connecticut Avenue, NW; Suite 400
Washington, DC 20036-4306
Phone: 202/429-6564 • 1-800/883-PBUS
Fax: 202/296-8128
email address: skreimer@huskynet.com

HP EXHIBIT 90(a)

CONFERENCE SCHEDULE

FRIDAY

July 12, 1996

Time	Function	Location
8:00 am - 5:00 pm	Conference Registration	Foyer
8:00 am -	Exhibits	Evangeline A & Foyer
8:15 am	Continental Breakfast Sponsored by Lexington National Insurance Corporation in honor of Linda Braswell and W. Frank Braswell, Lexington Managing General Agents in Florida	Evangeline A & Foyer
8:30 am - 10:00 am	**WORKSHOPS AND CBA CLASSES OFFERED AT THIS TIME**	
WORKSHOP	**INTRODUCTION TO COMPUTERS** Faculty: Stephen Patterson *Logicorp of Jacksonville, Inc.*	Evangeline B

Computers for first time users. This class is designed for the bail bond agent who is considering the installation or upgrading of exisiting equipment. The instructor will review what questions a bail bond agent needs to ask to ensure the appropriate selection of hardware and software.

CBA CLASS	**CBA I - CERTIFIED BAIL AGENT I** Faculty: Shelley Palmer, CBA, VT	South Ballroom

CBA I - History and Responsibility. Covers the history of bail, the Bail Bond Agent and this history of the Professional Bail Agents of the United States.

10:00 am - 10:30 am	Coffee Break	Evangeline A & Foyer

CONFERENCE SCHEDULE

FRIDAY

July 12, 1996 *(continued)*

10:30 - Noon	Invited Speakers Session I Moderator: Linda Braswell, *CBA* Invocation: J.B. Askins Welcome: Gene Newman, *CBA* President, PBUS Guy Ruggiero, *President* Association of Louisiana Bail Underwriters	Grand Ballroom

Honorable James H. "Jim" Brown
Commissioner of Insurance, State of Louisiana

Introduction of Invited Speaker: Melinda P. Kring

Honorable G. Thomas Porteous, Jr.
United States District Court,
Eastern District of Louisiana

Noon - 2:00 pm	Lunch On Your Own

PROFESSIONAL BAIL AGENTS
OF THE
UNITED STATES

1999
MIDYEAR
CONFERENCE

July 17-21, 1999
Beau Rivage
Biloxi, Mississippi

Professional Bail Agents of the United States
444 North Capitol Street NW; Suite 805
Washington, DC 20001
Phone: 800/883-PBUS (7287) • 202/783-4120
Fax: 202/783-4125• E-mail: skreimer@pbus.com
Internet: http://www.pbus.com

HP EXHIBIT 90(b)

Conference Schedule

Tuesday, July 20, 1999

TIME	FUNCTION	LOCATION
8am-3pm	Registration	Ballroom Foyer
8am-3pm	Exhibits Open	Azalea C & D
8am-10:30pm	Continental Breakfast sponsored by Ranger Insurance Company	Azalea C & D
8:30am-10am	CBA II-The Professional Image Rick Adams, CBA This class discusses professionalism, demeanor, appearance, attitude, public relations, and the PBUS Code of Ethics.	Azalea A
10:15am-12pm	Invited Speakers Session	Camellia B

Judge G. Thomas Porteous, Jr.

C. Stevens Seale

12pm-1pm	A Luncheon That's Just For Fun *Admission Ticket required for this event.* Let's just meet for a good food and conversation! There will be no agenda - use the opportunity to renew old acquaintances and meet new friends.	Magnolia A
1pm-4pm	CBA IV -Reducing Losses Linda Braswell, MCBA Vernice Williams, CBA This class covers the location and recovery of defendants, use of recovery agents, legal procedures and strategies, and the recovery of loss expenses.	Azalea A

Conference Schedule

Tuesday, July 20, 1999 *(continued)*

TIME	FUNCTION	LOCATION
1pm-4pm	CBA V-Legislation Creating your Future Gene Newman, CBA This class covers state and federal legislation involvement and the involvement in local, state and national bail organizations.	Azalea B
1:30pm-3pm	Master CBA Program Informational workshop on how to become an MCBA Les Sebring, MCBA	Magnolia E
1:30pm-4:30pm	For Women Only Fun, Networking, and Education - are the three elements of For Women Only. This session is open to all women who are attending the conference (including guests and exhibitors). We will have a demonstration on becoming Internet savvy, enjoy an informal luncheon, and then be regaled by jewels as Beau Rivage's Gemologist discusses how to purchase the best jewelry pieces. Don't miss this special session.	Magnolia F
3pm-4:30pm	Agency Management Series Skip Tracing on the Internet C.J. Bronstrup Learn how to use today's tools and solve yesterday's problems. Our speaker will show how inexpensive and quick ways to find that missing person.	Magnolia B

AO-10
Rev. 1/97

FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 1996

Report Required by the Ethics Reform Act of 1989, Pub. L. No. 101-194, November 30, 1989 (5 U.S.C. App. 4, 101-112)

1. Person Reporting (Last name, first, middle initial)	2. Court or Organization	3. Date of Report
Porteous (Jr.), Gabriel T.	United States District Court Eastern District of Louisiana	5/12/97
4. Title (Article III judges indicate active or senior status; Magistrate judges indicate full- or part-time) Active United States District Court Judge	5. Report Type (check appropriate type) ___ Nomination, Date __/__/__ ___ Initial X Annual ___ Final	6. Reporting Period 1/1/96-12/31/96
7. Chambers or Office Address United States District Court 500 Camp St., C206 New Orleans, Louisiana 70130	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each section where you have no reportable information. Sign on last page.

I. POSITIONS. (Reporting individual only; see pp. 9-13 of Instructions.)

	POSITION	NAME OF ORGANIZATION/ENTITY
X	NONE (No reportable positions)	

II. AGREEMENTS. (Reporting individual only; see pp. 14-17 of Instructions.)

DATE	PARTIES AND TERMS
X	NONE (No reportable agreements)

RECEIVED
MAY 15 11 53 AM '97
FINANCIAL DISCLOSURE OFFICE

III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 18-25 of Instructions.)

	DATE	SOURCE AND TYPE	GROSS INCOME (yours, not spouse's)
		NONE (No reportable non-investment income)	
1	1996	United States District Court	$
2	1996	Vascular Laboratory, Inc. (S)	$
3			$
4			$
5			$

SC00223

HP Exhibit 102(a)

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
Porteous (Jr.), Gabriel T.	5/12/97

IV. REIMBURSEMENTS and GIFTS -- transportation, lodging, food, entertainment.
(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements and gifts received by spouse and dependent children, respectively. See pp. 26-29 of Instructions.)

	SOURCE	DESCRIPTION
[X]	NONE (No such reportable reimbursements or gifts)	
1		
2		
3		
4		
5		
6		
7		

V. OTHER GIFTS. (Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate other gifts received by spouse and dependent children, respectively. See pp. 30-33 of Instructions.)

	SOURCE	DESCRIPTION	VALUE
[X]	NONE (No such reportable gifts)		
1			$
2			$
3			$
4			$

VI. LIABILITIES. (Includes those of spouse and dependent children; indicate where applicable, person responsible for liability by using the parenthetical "(S)" for separate liability of the spouse, "(J)" for joint liability of reporting individual and spouse, and "(DC)" for liability of a dependent child. See pp. 34-36 of Instructions.)

	CREDITOR	DESCRIPTION	VALUE CODE*
[X]	NONE (No reportable liabilities)		
1			
2			
3			
4			
5			
6			

*Value Codes: J=$15,000 or less; K=$15,001-$50,000; L=$50,001-$100,000; M=$100,001-$250,000; N=$250,001-$500,000; O=$500,001-$1,000,000; P1=$1,000,001-$5,000,000; P2=$5,000,001-$25,000,000; P3=$25,000,001-$50,000,000; P4=$50,000,001 or more

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
Porteous (Jr.), Gabriel T.	5/12/97

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children. See pp. 37-54 of Instructions.)

A. Description of Assets (including trust assets) Indicate where applicable, owner of the asset by using the parenthetical "(J)" for joint ownership of reporting individual and spouse, "(S)" for separate ownership by spouse, "(DC)" for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure.	B. Income during reporting period (1) Amt.1 Code (A-H)	B. (2) Type (e.g., div., rent or int.)	C. Gross value at end of reporting period (1) Value2 Code (J-P)	C. (2) Value Method3 Code (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, merger, redemption)	If not exempt from disclosure (2) Date: Month-Day	(3) Value2 Code (J-P)	(4) Gain1 Code (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ NONE (No reportable income, assets, or transactions)									
Fidelity Investments [1]Fidelity Management Trust-IRA	E	Distrib.	L						
Noble Drilling Corp. [2]Common Stock		None	J		Buy	11/96	J		
Oberweis FDS [3]Emerging Growth Mutual Fund	A	Div.	J		Buy	10/96	J		
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									

1 Inc/Gain Cds: (Col. B1,D4)	A=$1,000 or less F=$50,001-$100,000	B=$1,001-$2,500 G=$100,001-$1,000,000	C=$2,501-$5,000	D=$5,001-$15,000 H1=$1,000,001-$5,000,000	E=$15,001-$50,000 H2=$5,000,001 or more
2 Val Cds: (Col. C1,D3)	J=$15,000 or less O=$500,001-$1,000,000 P3=$25,000,001-$50,000,000	K=$15,001-$50,000 P1=$1,000,001-$5,000,000 P4=$50,000,001 or more	L=$50,001-$100,000	M=$100,001-$250,000 P2=$5,000,001-$25,000,000	N=$250,001-$500,000
3 Val Mth Cds: (Col. C2)	Q=Appraisal U=Book Value	R=Cost(real estate only) V=Other		S=Assessment W=Estimated	T=Cash/Market

SC00225

FINANCIAL DISCLOSURE REPORT (cont'd)	Name of Person Reporting	Date of Report
	Porteous (Jr.), Gabriel T.	5/12/97

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

IX. CERTIFICATION.

In compliance with the provisions of 28 U.S.C. § 455 and of Advisory Opinion No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge at the time after reasonable inquiry, I did not perform any adjudicatory function in any litigation during the period covered by this report in which I, my spouse, or my minor or dependent children had a financial interest, as defined in Canon 3C(3)(c), in the outcome of such litigation.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C.A. app. 4, § 501 et. seq., 5 U.S.C. § 7353 and Judicial Conference regulations.

Signature _____ Date 5/12/97

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. App. 4, § 104.)

[illegible]

Major Changes to Financial Disclosure Instructions for 1996

There are few substantive changes from last year's filing requirement. F Instructions concerning the reporting of individual assets contained in brokerag trusts, estates, and IRAs have been further clarified, especially when a filer lists a position as executor, trustee, or similar position in Part I of the report.

The Committee continues to find it difficult to close reports containing financial statements as attachments in lieu of completing Part VII, Investments and Trusts, of the Financial Disclosure Report (AO Form 10). Such reports often fail to provide the required information and lack a consistent and uniform format necessary for Committee review. Moreover, they often provide confidential information that is not required, such as account numbers, Social Security numbers, and home addresses. Page 37, paragraph I, of the Instructions clearly states that the use of financial statements is not acceptable for compliance with the reporting requirements unless such statements succinctly contain all necessary information without requiring the reader to perform calculations or select out necessary data from a larger body of information. Accordingly, each filer should ensure that the appropriate entries concerning investments and trusts are entered in Part VII of their Financial Disclosure Report (AO Form 10).

Specific changes and their page numbers are listed below:

1. The Commentary to the Instructions, page 39, is amended to add the following explanation:

> *It should be understood that a reporting exemption for failure to meet a required threshold amount, or for any other reason, does not affect any inquiry or recusal obligation under the Code of Conduct for United States Judges.*

2. The Instructions, page 40, require that the reporting of a position in Part I as trustee, executor, administrator, custodian, or any similar position, requires a listing in Part VII of the assets involved if either you, your spouse, or any of your dependent children (1) has a beneficial interest in the estate or fund with which you are associated, or (2) controls the purchase, sale, or other disposition of the estate or fund.

3. The Instructions, pages 34, 43, and 45, contain new income and value codes for income, liability, and asset value over a million dollars.

4. The Instructions, page 52, concerning the reporting of contingent interests in trusts is clarified as follows:

> *A reporting person does not have to report a contingent interest in a trust if the reporter has no control over the assets of the trust. An interest is contingent if there is no present right or ability to any income of principal, and the future is uncertain either by survivorship or otherwise.*

Issued January 2, 1997

HP Exhibit 102(b)

SECURITY ISSUES

Every filer should be aware that the Ethics Reform Act of 1989 makes your Financial Disclosure Report a **PUBLIC DOCUMENT**. This means that a person seeking to harm or harass you and your family can get a copy of your Financial Disclosure Report. There have been instances of such misuse of information provided by filers.

The Committee makes the following recommendations so that you can satisfy the requirements of the Ethics Reform Act while accommodating appropriate security concerns:

(1) When filing your report, enter your CHAMBERS OR OFFICE ADDRESS in block 7. Do NOT use your home address for any purpose in connection with your Financial Disclosure Report.

(2) In Part VII, do NOT provide more financial detail than is required by the Instructions. For example, for bank accounts, provide only the name of the institution and the city and state in which it is located. For certificates of deposit, provide only the name of the institution that issues the certificate. For rental properties, provide only the city (or county) and state in which the property is located. If you have more than one rental property in a particular location, you may identify the properties as "Rental Property #1, Cincinnati, Ohio," "Rental Property #2, Cincinnati, Ohio," and so on.

(3) It is not necessary to report your personal residence or residences in Part VII (unless a portion of your residence is rented to a third party). Similarly, do not report any mortgage, equity loan, or line of credit secured by a personal residence, vehicle, boat, or motor home in Part VI.

(4) In addition, some filers wish to provide their federal income tax return. Paradoxically, this method provides too much information, and at the same time not enough information. The tax return shows interest and dividends in Schedule B and sales of assets in Schedule D in specific detail, but it does not provide the protection of the income and value codes and does not include lists of your current holdings. Therefore, a tax return does not meet the requirements of the Ethics Reform Act.

If your Financial Disclosure Report is requested, you will be notified by mail when it is released. If you have any concerns or questions about the release of your report, please call the Financial Disclosure Office at (202) 273-4626 or discuss the matter with your Marshal.

FINANCIAL DISCLOSURE INSTRUCTIONS FOR JUDICIAL OFFICERS AND EMPLOYEES

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Issued January 2, 1997

INTRODUCTION

Three types of Financial Disclosure Reports--initial, annual, and final--are required by the Ethics Reform Act of 1989, published in Title 5 of the United States Code Annotated, Appendix 4, Sections 101-112.

These Instructions govern the preparation and filing of AO Form 10, which is to be used by judicial officers and employees for all Reports due after January 1, 1997. The body of the Instructions covers reporting requirements for annual Reports, which in some cases also apply to initial and final Reports. Where requirements for initial and final Reports differ from the annual reporting requirements, specific information can be found in Appendices I and II, respectively, of these Instructions.

The Act requires that the Committee on Financial Disclosure review each Report to assure that, on the basis of the information provided, the reporting person is in compliance with applicable laws and regulations. Section 106(b)(1). The Committee also reviews reports to determine potential conflicts of interest or ethical problems.

Questions concerning the reporting requirements (and suggestions for improving the AO Form 10 or these Instructions) should be addressed to: Committee on Financial Disclosure, Administrative Office of the United States Courts, Washington, D.C. 20544.

WHO MUST FILE, WHEN AND WHERE

JUDICIAL OFFICERS AND JUDICIAL EMPLOYEES are required to file an annual Report by May 15 following each calendar year in which they performed their duties for more than sixty (60) days. Section 101(d). Filing before the due date is encouraged to ease the burden on members of the Committee on Financial Disclosure who review the Reports, as required by the Act.

JUDICIAL OFFICERS are defined in the Act as the Chief Justice and Associate Justices of the Supreme Court, and the judges of United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of International Trade, Tax Court, Court of Federal Claims, Court of Veterans Appeals, United States Court of Appeals for the Armed Forces, and any court created by an Act of Congress, the judges of which are entitled to hold office during good behavior. Section 109(10).

A JUDICIAL EMPLOYEE is any employee, other than a JUDICIAL OFFICER of the judicial branch of Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Veterans Appeals, or of the United States Court of Appeals for the Armed Forces, who

(a) is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, e.g., bankruptcy judges and magistrate judges; or

(b) who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.

Section 109(8).

Persons whose obligation to file Reports may vary from year to year, e.g., a senior judge, or recalled bankruptcy judge or magistrate judge who may perform more than 60 days of service in one year but not in another, should certify their exempt status to the Committee on Financial Disclosure by May 15th, if they are exempt from filing for the prior year.[1] This will avoid an inquiry from the Committee concerning failure to file. When they file their next Reports, they should explain any apparent inconsistencies resulting from the "gap" between the two reporting periods.

For information on who must file initial and final Reports, and when they must be filed, see Appendices I and II, respectively.

Commentary

The General Counsel of the Administrative Office has determined that the term "basic pay" within the definition of a judicial employee does not include locality pay or geographic cost-of-living allowance (COLA) received by some employees in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands. Geographic COLAs are considered additional allowances for the cost of living rather than part of the basic rate of pay. Similarly, there is no express statutory authority permitting court employees to receive locality pay. Payment is based upon the Director of the Administrative Office's authority to set compensation and is treated in the same manner that locality pay is treated in the Executive Branch, which does not consider locality pay as a part of basic pay.

---

[1] For purposes of financial disclosure reporting, a senior judge, a bankruptcy judge or magistrate judge who is a reemployed annuitant, is deemed to work less than sixty-one (61) days if the judge certifies that the relevant Circuit Judicial Council did not authorize the employment by the judge of at least one law clerk or secretary for the reporting period or that he or she did not perform the duties of the office for more than sixty (60) days. A part-time magistrate judge whose annual salary level is less than 16.4% of the salary of a full-time magistrate judge will normally perform the duties of the office for less than sixty-one (61) days each year and accordingly is not required to notify the Committee of the exempt status. (This will be eliminated as a footnote - next year - will be placed in the above Commentary).

In addition, the Committee has held that the "rate of basic pay" to be used to determine whether a reemployed annuitant who is not authorized to perform adjudicatory functions must file a Report does not include the annuity. Part-time employees without adjudicatory functions are deemed to satisfy the filing threshold if the money earned meets the statutory minimum. Thus, the "rate of basic pay," rather than total pay, should be used to determine the need to file a Report.

Extensions of Time to File

The Committee on Financial Disclosure may grant reasonable extensions of time for filing initial, annual, and final Reports. Requests for extension should be submitted in writing to the Committee before the due date and should explain why the extension is necessary. The maximum extension permitted by the Act is 90 days. Section 101(g).

Emergency requests for extension may be made by telephone to the Committee staff if the reason for the request could not have been reasonably anticipated. A letter confirming the request should be sent promptly to the Committee. A letter confirming the oral response will be sent promptly by the Committee.

Commentary

The authority to grant an extension has been delegated to the Committee Counsel by the Committee.

Filing Fee

The statute requires a person to file a timely Report. One who files a Report more than thirty (30) days after the date the Report was due may be assessed a filing fee of $200.00. If for good reason it is necessary to request a delay in filing, extensions of time of up to 90 days may be granted by the Committee on Financial Disclosure. See p. 3 of the Instructions, Extensions of Time to File. The statute states that extensions beyond 90 days are not permissible. Absent a waiver, those granted a full 90 day extension will have to pay the fee if they do not file by the 120th day. Section 104(d)(1).

The Committee may waive the filing fee for extraordinary circumstances. Requests for waivers must be submitted in writing to the Committee with explanation of the reason(s) the Report was not filed on time. Section 104(d)(2).

Commentary

When a Report is filed more than 30 days after the date it is due, the filer is assessed a late filing fee of $200. The fee is deposited in the United States Treasury. If a filer requests a

waiver of the fee due to extraordinary circumstances, the Committee has delegated the authority to approve waivers involving failure of the postal system or physical incapacity of the filer to the Subcommittee on Compliance. Requests for waiver of the fee for any other "extraordinary circumstance" require a decision by the Committee as a whole. Please note, that Reports are deemed to have been filed five (5) days prior to physical receipt for the purpose of determining whether the Report has been timely filed.

Where to File

Effective January 1, 1991, the original and three copies of the Report, and of any amendments (including amendments in response to letters of inquiry) are to be filed with:

Committee on Financial Disclosure
Administrative Office of the
United States Courts
One Columbus Circle, N.E.
Washington, D.C. 20544

Section 103(h)(1)(B).

The additional copies of the Report may be made by photocopying the original, rather than by retyping or using carbons.

Commentary

Reports are not considered to have been received unless they are physically received in the Financial Disclosure Office and contain an original signature. Reports will be date stamped as soon as they are received by the Financial Disclosure Office. Reports sent to the Financial Disclosure Office by facsimile or other electronic means are not considered to be received until a copy with an original signature is received.

Amendments

A Report may be amended by filing an amended AO Form 10 for that year, fully explaining items added to, or changed from, the original submission.

Alternatively, additional information may be submitted by a separate letter addressed to the Committee. You should identify the Report(s) and Part(s) being corrected and provide complete information for the item(s) being corrected. Sign the letter personally, which will constitute your certification to the accuracy and completeness of the Report(s) as amended.

Regardless of which method is used, you should file amendments in the same manner as for the original, i.e., a signed original and three copies with the Committee.

Commentary

Self-initiated amendments will be certified in the same manner as an original Report. Each reviewer will complete block 8 on the AO Form 10 for each amendment as amended.

Waivers

The Committee may grant a request for a waiver of any reporting requirement for one who is expected to perform the duties of the office or position less than one hundred and thirty (130) days in a calendar year, but only if the Committee determines that:

(1) the person is not a full-time employee of the Government;

(2) the person is able to provide services specially needed by the Government;

(3) it is unlikely that the person's outside employment or financial interests will create a conflict of interest; and

(4) public financial disclosure by the person is not necessary under the circumstances.

Any request for such a waiver must be directed in writing to the Committee with a detailed explanation of the facts upon which the Committee can make the determinations required under the Act. All such requests are available to the public. Section 101(i).

GENERAL INSTRUCTIONS

The Report should be legible. Its format has been designed to be completed on most typewriters. The name of the person and date of the Report should appear on each page. Financial Disclosure Report software is available upon request from the Office of the Committee.

"None" Box

Parts I through VII of the Report must be completed. If you have no reportable items in any of these parts, do not simply leave it blank or mark it as "N/A", but instead mark the "None" box as an affirmative declaration of the fact.

Disclosure Concerning Family Members

A reporting person is required to disclose financial information concerning a spouse and dependent children, and the form is designed for inclusion of this information. Section 102(e)(1). The requirement to disclose trust information for a spouse and dependent children only when a beneficial interest exists is found on pages 51 and 52. The Act does not require disclosure of the financial interests of other family members, nor is it required with respect to a spouse who is living separate and apart with the intention of terminating the marriage or permanently separating. Section 102(e)(2).

The Act defines a dependent child as a "son, daughter, stepson, or stepdaughter . . . who--

(A) is unmarried and under age 21 and is living in the household of the reporting person; or

(B) is a dependent of the reporting person within the meaning of section 152 of the Internal Revenue Code of 1986." (26 U.S.C. § 152)

Section 109(2).

When reporting information about a spouse or dependent children, add the parenthetical "(S)" or "(DC)" to signify the person(s) to whom it relates. The parenthetical "(J)" should be used to signify an item jointly held or owned by you and your spouse.

Extra Pages; Attachments

If more space is needed for any Part than is provided on the form, make the additional entries on a new page and include it as a numbered attachment. The identifying information (name and date of Report) must appear on each attachment page. If you make these entries on other than a photocopy of a page from the form, make sure that the Part being continued is indicated and that all the required information is given.

Alternative Format For Reporting

The computer program available from the Administrative Office provides an acceptable format for reporting.

It is permissible in exceptional circumstances to provide the required information in any Part of the Report in an alternative format but only upon a specific written determination by the Committee that such alternative reporting is acceptable. Those wishing to use alternative formats should seek permission to do so by writing to the Committee stating in detail the format to be used, why the request is being made, and whether it is for the current Report only or for future Reports, as well. All information submitted must be in a format easily reconciled with prior Reports. Section 102(b)(2)(A).

In the absence of permission to use an alternative format, no extrinsic reports or documents may be used as substitutes for disclosure on the AO Form 10 as provided. This limitation is necessary to avoid additional burdens that would occur in the review process if a variety of documents, with different formats and often with extraneous information, were permitted.

Reconciliation with Prior Reports

Each Report should be complete in itself. No information may be adopted by reference to prior Reports. If letters approving a specific transaction, position or agreement have been received from the Committee, or if the Committee on Codes of Conduct has approved particular conduct or actions, a copy of the letter of approval should be attached to each Report to avoid a letter of inquiry.

Compare the information on your current Report with that in the prior Report to assure that each is complete and correct.

To assist the Committee during the review process, list items in each Part of the Report in the same order as shown in the prior Report (placing any new items at the bottom of the list or of the appropriate subdivision of the list).

Personal Information

FINANCIAL DISCLOSURE REPORT
For Calendar Year 1996

1. Person Reporting (Last Name, first, middle initial) SMITH, JOHN B.	2. Court or Organization U.S. DISTRICT COURT, IDAHO	3. Date of Report APRIL 16, 1997
4. Title (Article III Judges indicate active or senior status; Magistrate Judges indicate full or part-time) U.S. DISTRICT JUDGE - SENIOR STATUS	5. Report Type (check approp type) ___ Nomination, Date_____ ___Initial XX Annual __ Final	6. Reporting Period JAN. 1, 1996 - DEC. 31, 1996
7. Chambers or Office Address U.S. COURTHOUSE 44 WEST 31ST STREET BOISE, IDAHO 43215	8. On the basis of the information contained in this Report, and any modifications pertaining thereto, it is, in my opinion, in compliancewith applicable laws and regulations. Reviewing Officer Signature_____Date_____	

Notes to filer:

____ *Are blocks 1 through 7 filled in?*

____ *Does block 4 show your status?*

____ *Does block 5 indicate the type of report?*

____ *Does block 6 cover the correct reporting period?*

Commentary

Blocks 1 through 8 of the heading to the report should be filled in as indicated:

Block 6. Reporting Period. *The following are acceptable entries for Annual Reports: 1996, CY96, January 1, 1996-December 31, 1996.* *

*Note- not possible when using software

Block 8. Certification. *Reviewing official will sign and date this block when the report is complete. The front page of the AO-10 with the reviewing judge's original signature will be returned to the Financial Disclosure Office for permanent filing.*

Certification by the reviewing judge or committee counsel, as reviewing officials, certifies that the information in the report, any amendments, or attached correspondence has been disclosed in accordance with applicable laws and regulations. The reviewing official has the authority to approve the report as submitted, direct that a letter of inquiry be sent, or waive an error as de minimis and approve the report. The reviewing official can also approve a report and direct that an advisory letter be sent to provide the filer with guidance for future reports. All letters of inquiry are prepared for the Chair's signature on Committee letterhead stationery. The Chair has authority to revise or waive a letter of inquiry and approve a report.

INSTRUCTIONS FOR COMPLETING EACH PART

I. Positions

Only information pertaining to the reporting person is required in this Part.

In this Part a complete listing is required of all positions held by the reporting person as an officer, director, executor, administrator, trustee, guardian, custodian, or similar fiduciary, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. Disclose your position even if you are not compensated and even if neither you nor a member of your family has any financial interest in the entities herein listed. Please note that positions held are reported in this Part while assets owned or held are reported in Part VII. **You need not report any positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature. Section 102(a)(6)(A).**

In completing this Part, for annual Reports, the reporting period consists of the calendar year preceding the date of the Report, and the time to the date of the Report. Section 102(a)(6)(A). For initial and final Reports, refer to Appendices I and II, respectively, of these Instructions.

An interest as a limited partner in an investment partnership, if you have no managerial responsibilities, reflects assets held or owned, but not a position held. The position as such a limited partner need not be reported in Part I, but the interest must be disclosed in Part VII.

For Article III judges, bankruptcy judges, and magistrate judges, the Codes of Conduct for United States Judges specify additional constraints on the positions that may be held. See especially Canon 5. Part-time magistrate judges are governed by special rules as provided in 28 U.S.C. § 632(b) and the Guide to Judiciary Policies and Procedures, Volume II, Chapters I and III.

Additional information--e.g., an opinion from the Committee on the Codes of Conduct, or approval from a Judicial Council--that bears on the question whether a position presents a potential conflict of interest problem or problem under the Codes of Conduct for United States Judges should be provided in Part I or Part VIII or on an attached page.

If you did not hold any reportable positions at any time during the reporting period, check the "None" box rather than leaving Part I blank.

I. POSITIONS. (Reporting individual only; See pp. 9-13 Instructions.)

POSITION	NAME OF ORGANIZATION/ENTITY
☐ **NONE** (No reportable positions)	
Director	Boise Boys Club
Trustee	John Smith III Trust

Notes to filer:

____ *Do you have any reportable positions ? If not, is the NONE box checked?*

____ *Did you provide the full name of the position and the organization?*

____ *Does the position appear to represent a conflict of interest?*

____ *Does the position require a listing of assests in Part VII?*

Commentary

In completing this Part, the reporting period is not always consistent with the reporting period delineated in Block 6 of the heading. For annual reports the reporting period consists of the calendar year of the Report.

The positions a filer can hold are normally determined by the filer's status. Each category is affected by the Canons and statutes governing the creation and duties of the position held. Examples are as follows:

Judges

A judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties. "Member of the

judge's family means any relative of a judge by blood, adoption, or marriage or any other person treated by a judge as a member of the judge's family." (Canon 5D.)

The duties of a co-trustee, even if nominal, are fiduciary in nature. Canon 5D would seem to rule out service as fiduciary for other than a trust for a member of the judge's family. Even service as a fiduciary for other than a member of the family, covered by the Canon's section on "Effective Date of Compliance," and amended, for federal judges, by action of the Judicial Conference at its April 1973 meeting, seems to contemplate a relationship with an individual. In any event, such a relationship should be terminated unless a substantial interest of the estate or person would thereby be jeopardized. (Advisory Opinion No. 33.)

A judge who, before ascending the bench, served as an executor of the estate of a nonfamily member, or as trustee of a nonfamily trust may, with the approval of the judicial council of the circuit, continue in that capacity if resignation would cause undue hardship to the estate and its beneficiaries, but may not receive compensation for such service. (Compendium § 5.1-3(a) (1995).)

Note: A judge may serve as a part-time special lecturer in law or as a faculty member at a law school. It is necessary for the judge to obtain advance approval from the chief judge of the circuit, or in the case of the chief judge from the judicial council, before engaging in teaching activity. The normal restrictions on extra judicial compensation apply; the compensation must be reasonable in amount, no greater than a similarly situated non-judge would receive for the same service; the 15% cap on outside earned income is applicable; and the payments must be included in Part III of the Report. The teaching duties should not in any way interfere with the performance of judicial duties.

If a judge fails to obtain prior approval of teaching, the approving chief judge has authority to approve teaching for compensation nunc pro tunc if satisfied that the failure was occasioned by excusable neglect, the application would have been approved if timely filed, and other criteria for approval are satisfied. If circumstances do not justify nunc pro tunc approval, the judge's only recourse is to refund the compensation. (Compendium § 35.7 (1995).)

In a partnership engaged in real estate investment, a judge may have a passive investment as a general partner. Canon 5C(2) prohibits active business participation.

Note: In the case of partnerships, the Report should clearly reflect the purpose and the assets of the business, including the percentage owned by the filer. If the partnership owns or trades in securities, individual stocks and transactions should be reported in Part VII.

It is permissible for a judge to be an uncompensated officer or director of a business wholly owned by members of the judge's family. (Compendium § 5.2-3(c)(1995).)

Under Canon 5C(1) a judge may manage investments, etc., but the judge should not personally manage or operate any business, including a farm or ranch. This would not preclude the judge's participation in decisions with respect to the purchase, sale and use of land, the purchase of equipment and supplies, or the sale of farm produce or livestock from a farm or ranch which the judge owns but is operated by a farm manager or hired hand. (Advisory Opinion No. 30.)

A judge may serve as a member of the board of directors of a nonprofit social club, or a nonprofit club whose object is to promote an interest in and to enlighten its membership on important governmental, economic and social issues, provided that (a) the club does not engage in partisan politics and (b) the judge does not take positions on issues which would embarrass the judge in the exercise of judicial duties. (Advisory Opinion No. 15.)

A judge may serve on the board of trustees of a university foundation (no fund-raising involved). (Compendium § 5.3-3(b)(1995).)

Senior judges designated in 5 U.S.C. app. 4, § 502(b), (justices and senior judges) are excluded from the 15% cap on compensation received from approved teaching. Even if the Ethics Reform Act is satisfied, provisions of the Code of Conduct for United States Judges must also be satisfied.

Part-time Magistrate Judges

Part-time United States magistrate judges render such service as judicial officers as is required by law. While so serving they may engage in the practice of law, but may not serve as counsel in any criminal action in any court of the United States, or act in any capacity that is inconsistent with the proper discharge of their office. Within such restrictions, they may engage in any other business, occupation, or employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. § 632(b).)

Judicial Employees

a. No covered senior employee, as defined in Appendix III, shall:

(1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation;

(2) permit the use of his or her name by any such firm, partnership, association, corporation, or other entity;

(3) practice a profession which involves a fiduciary relationship for compensation;

(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

(5) receive compensation for teaching, without the prior notification and approval as herein provided.

Note: Senior employees of the Court of International Trade or the Claims Court must obtain approval from the chief judges of those courts. Senior employees of the Tax Court must obtain approval from the chief judge of the Tax Court. Commissioners and senior employees of the Sentencing Commission shall obtain approval from the Chairman of the Sentencing Commission. Senior employees of the Administrative Office of the United States Courts must obtain approval from the Director of the Administrative Office.

b. Judicial Employees. A judicial employee may engage in such activities as civic, charitable, religious, professional, educational, cultural, avocational, social, fraternal, and recreational activities, and may speak, write, lecture, and teach. If such outside activities concern the law, the legal system, or the administration of justice, the judicial employee should first consult with the appointing authority. (Code of Conduct for Judicial Employees, Canon 4A.)

c. Federal Public Defenders. A defender employee should not engage in the private practice of law. Notwithstanding this prohibition, a defender employee may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the defender employee's family, so long as such work does not interfere with the defender employee's primary responsibility to the defender office. (Code of Conduct for Federal Public Defender Employees, Canon 5D.)

II. Agreements

Only information pertaining to the reporting person is required in this Part.

In this Part a complete listing is required of any agreement with respect to:

(a) future employment;

(b) a leave of absence during Government service;

(c) continuation of payments by a former employer other than the United States; and

(d) continuing participation in an employee welfare or benefit plan maintained by a former employer.

Report the date, parties, and terms of the agreement. Section 102(a)(7).

For all Reports, show any such agreements currently in force.

Any additional information--e.g., an opinion from the Committee on Codes of Conduct, or approval from a Judicial Council--that bears upon the question whether an agreement presents a potential conflict of interest problem or problem under the Codes of Conduct for United States Judges should be provided in Part II or on an attached page.

If you did not have any reportable agreements during the reporting period, check the "None" box, rather than leaving Part II blank.

II. AGREEMENTS. (Reporting individual only; See pp. 14-17 of Instructions)

DATE	PARTIES AND TERMS
☐ NONE	(No reportable agreements)
1995	Johnson & Johnson Employee Retirement Plan with
	former Law Firm (no control)

Notes to filer:

____ *Do you have any reportable agreements? If not, is the NONE box checked?*

____ *Did you list the date, parties, and terms of the agreement?*

____ *Is the agreement permissible?*

Commentary

Continuation of payments by a former employer other than the United States

It is permissible for judges to receive appropriate payment for their interests in a law firm and compensation for legal services they rendered before becoming judges. (Compendium § 2.7(a)(1995).)

A termination of partnership agreement provides for payment of an agreed amount representing the retiring partner's interest and some of these payments can be paid in years following the partner's appointment as a United States judge. (Advisory Opinion No. 24.)

The Committee on Codes of Conduct is of the opinion that when a partner leaves a law firm to become a federal judge, he should, if possible, agree with his partners on an exact amount which he will receive for his interest in the firm, whether that sum is to be paid within the year or over a period of years. (Id.)

Such payments may continue to be made to the judge, provided it is clear (1) that he is not sharing in profits of the firm earned after his departure, as distinguished from his sharing in amount representing the fair value of his interest in the firm, including the fair value of his interest in fees to be collected in the future for work done before he left the firm, and (2) the judge does not participate in any case in which his former firm or any partner or associate thereof is active as counsel until the full amount which he may be entitled to receive under the agreement has been paid to him. (Id.)

In addition, it is permissible for the departing judge to share in contingent fees received at the end of litigation, provided a fixed percentage or fixed ceiling is agreed upon, and reasonably reflects the value of services previously rendered by the departing judge. While it is permissible for a judge to share in future contingent fees, the judge should first attempt to reach agreement with his former partners on a fixed sum. (Compendium § 2.7(b) and (b-1)(1995).)

Continuing participation in an employee welfare or benefit plan maintained by a former employer

A judge should recuse in all cases involving members of the former law firm where the judge has left a retirement account in the former law firm's profit sharing trust. If there are frequent recusals, the judge should withdraw the account if feasible. (Compendium § 5.2-4(a) and (a-1)(1995).)

When, long after the judge's departure, additional assets are discovered which should have been transferred to the judge at the time of his departure (e.g. delayed refund under a health insurance plan), there is no ethical impediment to the judge's receipt of the appropriate distribution. (Compendium § 2-7(e)(1995).)

A judge who is a participant in a law firm's KEOGH plan has a financial interest in all of the corporations whose stock is owned by the plan, and must keep informed of the plan's investments, unless the plan is a common fund. (Compendium § 3.1-1(i)(1995).)

A law firm's KEOGH plan or 401 (k) plan which is managed by the firm or a small number of participants, and for which the judge has ready access to investment information does not qualify for the "common fund" exception. However, a law firm's retirement qualifies for the "common fund" exception where 1) the interest is indirect (due to the number of participants and the size and diversity of investments, 2) directed investment by participants is not available, and 3) the participants do not know about a fund's portfolio. (Compendium § 3.1-3(c).)

Other Employment

Part-time United States magistrates render such service as judicial officers as is required by law. While so serving, they may engage in the practice of law and, within certain restrictions, engage in any other employment which is not consistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. § 632.)

A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge: (1) is not required to comply with Canons 5C(2), D, E, F, and G, and Canon 6C; (2) except as provided in the Conflict-of-Interest Rules for Part-time Magistrate Judges, should not practice law in the court on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves, or act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.

A judge should require law clerks to keep the judge reasonably informed of their future employment plans as required by the Code of Conduct for Law Clerks. A law clerk should have no involvement whatsoever in pending matters handled by a prospective employer when an offer of employment has been made to the law clerk and has been, or may be, accepted by the law clerk. (Advisory Opinions Nos. 74 and 81.)

III. Non-investment Income

Information pertaining to the reporting person and the spouse, as noted, is required in this Part.

A. General Non-investment Income

In this Part report non-investment income from whatever source, including but not limited to these items: compensation for services, including fees, commissions, etc.; income derived from business; royalties; annuities; income from life insurance and endowment contracts; and fixed benefits from vested pension plans. Amounts reported should be net income, except for income derived from a business, can be listed as net or gross, and indicated as such. Section 109(7). Dividends on life insurance policies not held in whole or in part as an investment or for the production of income need not be reported.

Report the source, type, amount or value, of income from any source aggregating $200 or more in value. Honoraria are treated differently. Section 102(a)(1)(A). See Part III B. below. See below for specific exemptions.

For spouses, report the source of items of earned income from any person which exceeds $1,000 and the source and amount of any honoraria which exceed $200. If the spouse is self-employed in business or a profession, the nature of such business or profession should be reported. Section 102(e)(1)(A).

To indicate that income was earned by your spouse (and hence that the amount need not be shown), add to the identification the parenthetical "(S)".

You are not required to disclose in Part III the following:

- compensation for current employment by the United States. Section 102(a)(1)(A).
- income that from a single source did not aggregate $200 or more during the reporting period. Section 102(a)(1)(A).
- the amount of the spouse's "earned income", or any information about that "earned income" that from a single source did not aggregate more than $1,000 during the reporting period. Section 102(e)(1)(A).
- any information about dependent children's non-investment income. Section 102(e)(1)(A).
- information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation or with respect to

any income or obligations arising from the dissolution or permanent separation. Section 102(e)(2).

- any political campaign funds, including campaign receipts. Section 102(g).
- income derived from any retirement system under title 5, United States Code (including the Thrift Savings Plan under Subchapter III of Chapter 84 of such title) or any other retirement system maintained by the United States for officers or employees of the United States. Section 102(i)(1).
- benefits received from Social Security. Section 102(i)(2).
- death benefits under insurance policies, gifts, inheritances, tort recoveries and other compensation for injuries and sickness, disability compensation, and veteran's benefits.

III. NON-INVESTMENT INCOME. (Reporting Individual and spouse; see pp. 18-25 of Instructions)

	DATE	SOURCE AND TYPE	GROSS INCOME (Yours, not spouse's)
☐	**NONE**	(No reportable non-investment income)	
1	1996	Evans County High School (S)	$
2	July 1996	Idaho Law School, Seminar (3 wks)	$ 3,500
3			$

Notes to filer:

____ *Do you have any reportable non-investment income over $200.00?*

____ *Does your spouse have any reportable non-investment income over $1000.00?*

____ *If no reportable income, is the NONE box checked?*

____ *Is the date, source, type, and amount for your reportable income reported? If spouse's income, is the parenthetical "(S)" placed in the column under Source and Type?*

____ *Is the income subject to the 15% limitation ($20,040) for 1996?*

____ *Is the income an honorarium or reported as such?*

Commentary

Although various types of non-investment income have been listed, some elaboration on several sources of income may be useful to provide a clearer distinction between non-investment and investment income.

No income should be disclosed in this part if it is derived from an investment asset that should be reported in Part VII. Sources of royalty payments include publications and oil, gas, and mineral interests. It should be noted that an interest in the real property from which these oil, gas, or mineral interests are derived should be disclosed in Part VII like any other investment property. Annuities and any other types of retirement income should be reported if they represent defined benefits from a vested pension plan. Retirement income from IRAs or other investment funds that varies due to the performance of the individual assets should be reported in Part VII since it represents income from an investment asset.

Ordinarily, income from life insurance policies need not be reported because most insurance policies are not held as investments or for the production of income. Policy dividends that reduce premiums or provide additional or paid-up insurance are not treated as income. Dividends or other income from life insurance policies, received in excess of $200, which are reportable for income tax purposes, should be disclosed in this part. Several types of insurance policies that probably require reporting are "universal," "variable life," or "universal variable life."

Special attention will be given to the review of nomination and initial Reports. The filer must report compensation, other than from the United States Government, in excess of $5,000 in any of the two calendar years prior to the calendar year during which a first Report is filed.

B. Outside Employment and Honoraria

Special attention should be given to regulations relating to Outside Employment and Honoraria at Appendix III.

Covered Senior Employees

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, covered senior employees, other than justices of the United States who retired from regular active service under Section 371(b) of title 28, United States Code; judges of the United States who retired from regular active service under Section 371(b) of title 28, United States Code and who have met the requirements of subsection (f) of Section

371(b) of title 28, United States Code, as certified in accordance with such subsection; and, justices and judges of the United States who retired from regular active service under Section 372(a) of title 28, United States Code, who receive compensation for teaching, are prohibited from:

- Receiving more than 15% of the pay rate for Executive Level II in earned income from outside employment if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant (See 5 U.S.C. § 5313 for the pay rate for Executive Level II). 5 U.S.C. app. 4 § 501(a)(1). Those covered by the provisions of this Act for only a portion of a year, must pro-rate the 15% on the basis of the number of days the person will actually work in that calendar year. 5 U.S.C. app. 4, § 501(a)(2).

- Being affiliated with or being employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation, serving for compensation as an officer or member of the board of any association, corporation, or other entity. 5 U.S.C. app. 4, § 502.

- Receiving compensation for teaching without prior notification and approval from the appropriate official, if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant. See Section 5 of Appendix III for the procedures for requesting approval. 5 U.S.C. app. 4, § 502.

NOTE: Covered senior employees are defined by Judicial Conference approved regulations as all judicial officers (except for part-time magistrate judges), commissioners and staff of the Sentencing Commission, the Director and Deputy Director of the Administrative Office of the United States Courts, and senior employees of the Administrative Office of the United States Courts serving at the pleasure of the Director (Schedule C status).

Judicial Officers and All Employees

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, all judicial officers and all employees of the judicial branch are prohibited from accepting honoraria for any "appearance, speech, or article." Actual and necessary travel expenses incurred by the person and one relative are not deemed to constitute honoraria. 5 U.S.C. app. 4, § 501(b).

- No Judicial officer or employee of the judicial branch (except for part-time magistrate judges), may accept honoraria, but a payment may only be made on behalf of such officer or employee to a charitable organization in lieu of the honorarium, so long as the payment does not exceed $2,000, and is not made to a charitable organization from which the filer or the filer's parent, sibling, spouse, child, or dependent relative derives any financial benefit. 5 U.S.C. app. 4, § 501(b) and (c). In such instances, the filer should report the source, date, and amount of payments made to charitable organizations in lieu of honoraria and shall simultaneously file with the Committee on Financial Disclosure, on a confidential basis, a corresponding list of recipients of all such payments together with their dates and amounts. Section 102(a)(1)(A).

C. General Provisions

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(1)(A). For initial and final Reports, see Appendices I and II, respectively, for the appropriate reporting periods.

If neither you nor a spouse had any reportable income during the reporting period, check the "None" box rather than leaving Part III blank.

Commentary

Contained within these Instructions and Appendix III are detailed instructions and regulations relating to limitations imposed on certain judicial officers and employees with respect to certain types of outside employment and income. Several important guidelines need to be emphasized for the benefit of the reviewing official.

Covered senior employees (defined in the cited appendix) are prohibited from receiving more than 15% of the pay rate for Executive Level II (currently $133,600) in earned income from outside employment. The limitation for 1996 is $20,040. However, senior judges who receive compensation for teaching, part-time magistrate judges, officers and employees of the Supreme Court, and employees of the Federal Judicial Center are exempted as to teaching income and are not restricted to this outside income limitation.

In addition, all judicial officers and all employees of the judicial branch (except for part-time magistrate judges) are prohibited from accepting honoraria for any "appearance, speech, or article." Any filer listing honoraria will be questioned for clarification and may eventually be referred to the Committee on Codes of Conduct for an advisory opinion.

Frequently, difficulty arises for the reviewing official and staff auditor concerning what constitutes outside earned income (which is attributed solely to the filer and not to the spouse). The following lists common examples of compensated activities which are subject to the calendar

year income limitation, less the ordinary and necessary expenses paid or incurred in producing the income:

(1) teaching,
(2) serving as trustee of a family trust or executor of a family estate, and
(3) writing.

In addition, the following common examples do not constitute outside earned income and have no limitations imposed on the filer:

(1) pensions, annuities, and deferred compensation for services rendered prior to becoming a judicial officer or senior employee,
(2) investment funds,
(3) funds received from a family owned business,
(4) publication royalties, fees, and their functional equivalent, and
(5) compensation received by a senior judge for teaching.

Advisory Opinion Number 86, "Honoraria, Teaching, and Outside Earned Income Limitation," provides detailed interpretation on these issues and may serve as a helpful guideline. In addition, the following are summaries contained in Compendium, Sections 31-35 (1995), concerning recent advice given by the Committee on Codes of Conduct in response to confidential inquiries:

Outside Earned Income Limitation

(1) Where service as a family fiduciary involves work performed over several years but fee is paid in a single year, it is consistent with the statute and regulations for the judge, in applying the 15% cap, to allocate the amount of the fee over the several years. (Compendium § 33.1(a) (1995).)

(2) Flat fee of $250 received by judge from a publisher for writing a chapter in a publisher's treatise is not excludable from the definition of outside earned income. The payment is a fixed and unconditional cash payment for a manuscript that is wholly unrelated to the sales or distribution of the publication. Thus, the fee is subject to the 15% cap. (Compendium § 33.2-5(a) (1995).)

(3) Where judge serves as editor-in-chief of a law journal and receives a royalty of 15% of the net cash receipts from the sale of the publication, the amount is considered a royalty and thus not subject to the 15% cap. (Compendium § 33.2-5(b) (1995).)

(4) Outside earned income is attributed solely to the actual earner regardless of community property laws. (Compendium § 33.3 (1995).)

Prohibition on Receipt Of Honoraria

(1) It is a violation of the statute and regulations for a law clerk to write an article for compensation during clerkship even though publication of the article and receipt of the honorarium occur after the clerkship ends. (Compendium § 34(a) (1995).)

(2) Fee for performing wedding is not an honorarium. However, a judge is barred from accepting additional compensation for performing judicial activities. (Compendium § 34.1(a) (1995).)

(3) Reimbursement of travel expenses for judge and one relative does not constitute an honorarium. (Compendium § 34.1(b) (1995).)

(4) Where a judge's paper for a continuing legal education program was later published and later still won $3000 cash award at sponsor's annual award program, the award is not a payment for the speech or article and thus not an honorarium. An after-the-fact award based on merit for scholarly work is an award in recognition. (Compendium § 34.1(d) (1995).)

(5) Compensation for teaching a seminar for prospective law students and preparation of course materials does not constitute an honorarium. (Compendium § 34.1-2(d) (1995).)

(6) Fee received by judge as editor-in-chief of a law journal is not an honorarium, but rather compensation for a writing more extensive than an article. (Compendium § 34.1-3(a) (1995).)

Limitations On Outside Employment

(1) Serving as a fiduciary of a family estate or trust as permitted by Canon 5D of the Codes of Conduct does not constitute practicing a profession involving a fiduciary relationship. (Compendium § 35.3(a) (1995).)

(2) Service for compensation as editor-in-chief of a bankruptcy law journal is not the equivalent of being an officer or member of the board of an entity, and thus is not barred by this section. (Compendium § 35.4(a) (1995).)

(3) A judge cannot receive compensation for service as family fiduciary where the trust directs the operating policy of a charity because that would be the functional equivalent of serving as an officer or member of the board of directors. However, it is acceptable for the judge to serve as family fiduciary charged only with duties normally exercised by a family fiduciary. Compensation received is subject to the 15% cap. (Compendium § 35.4(b) (1995).)

(4) A judge's status as partner of a family partnership or shareholder of a family corporation is not the equivalent of serving as officer or member of the board of an entity, and thus the financial return to the judge as partner or shareholder is not prohibited. (Compendium § 35.4(c) (1995).)

(5) Where a judge failed to obtain prior approval of teaching, Chief Judge has authority to approve teaching for compensation nunc pro tunc if satisfied that the failure was occasioned by excusable neglect, the application would have been approved if timely filed, and other criteria for approval are satisfied. If circumstances do not justify nunc pro tunc approval, the judge's only recourse is to refund the compensation. (Compendium § 35.7(a) (1995).).

IV. Reimbursements and Gifts of Transportation, Lodging, Food, Entertainment

Special attention should be given to the attached regulations relating to reimbursements and gifts at Appendix IV.

Information pertaining to the reporting person and a spouse and dependent children, as noted, is required here.

In this Part report information about reimbursements and gifts received by you, your spouse and dependent children, exclusive, however, of any items received by them totally independent of their relationship to you. Sections 102(a)(2)(A) and (C); and 102(e)(1)(C) and (D). For initial Reports, there are separate rules for completing this Part, found at Appendix I of these Instructions.

A reimbursement means any payment or other thing of value, other than gifts, to cover travel related expenses. Section 109(15).

A gift is a payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor. Section 109(5).

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(2)(A) and (B). For final Reports, see Appendix II for the appropriate reporting period.

In this Part, provide:

(1) the identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements, such as transportation, lodging, food, or entertainment aggregating $250 or more in value received from any source other than a relative. Gifts from separate sources with a fair market value of $100 or less need not be aggregated to determine if the $250 reporting threshold has been met. Section 102(a)(2)(A).

(2) the identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating $250 or more in value. Section 102(a)(2)(B).

You are not required to report in Part IV:

- gifts from a relative. Section 102(a)(2)(A).

- food, lodging, or entertainment received as personal hospitality. Section 102(a)(2)(A).

- reimbursements and gifts received by your spouse and dependent children, independently of their relationship to you. Section 102(e)(1)(C) and (D).

- gifts and reimbursements received in a period when you were not an officer or employee of the Federal Government. Section 102(h).

- gifts that are bequests and other forms of inheritance; suitable mementos of a function honoring the reporting person; food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States, the District of Columbia, or a state or local government or political subdivision thereof; food and beverages not consumed in connection with a gift of overnight lodging; or communications to the offices of a reporting person, including subscriptions to newspapers and periodicals. Section 109(5).

- reimbursements provided by the United States, the District of Columbia, or a state or local government or political subdivision thereof; required to be reported under 5 U.S.C § 7342; or required to be reported under 2 U.S.C. § 434. Section 109(15).

Relative means one who is related to the reporting person, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting person, and shall be deemed to include the fiance or fiancee of the reporting person. Section 109(16).

Personal hospitality means hospitality extended for a nonbusiness purpose by one, not a corporation or organization, at the personal residence of that person or his family or on property or facilities owned by that person or family. Section 109(14).

Use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements and gifts received by your spouse and dependent children, respectively.

Beginning on January 1, 1991, in accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, officers and employees are prohibited from soliciting or accepting anything of value from a person seeking official action from, doing business with, or whose interests would be substantially affected by, the performance or nonperformance of official duties. 5 U.S.C. § 7353. This prohibition applies to all gifts covered in Parts IV and V of the Financial Disclosure Report.

If you, your spouse, and your dependent children did not receive any reimbursements or gifts reportable in Part IV, check the "None" box rather than leaving Part IV blank.

IV. REIMBURSEMENTS AND GIFTS -- transportation, lodging, food, entertainment.
(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to include reportable reimbursements and gifts received by spouse and dependent children, respectively. See pp 26-29 of Instructions)

	SOURCE	DESCRIPTION
☐	**NONE** (No such reportable reimbursements or gifts)	
1	Staley Foundation	June 15 - Haymarket, VA, Meeting
2		lodging, food, and transportation

Notes to filer:

____ *Do you, your spouse, or any dependent child have any reportable reimbursements or gifts? If not, is the NONE box checked?*

____ *Did you identify the source of the reimbursement or gift, and provide a brief description including a travel itinerary, dates, and nature of expenses?*

____ *Can the gift or reimbursement be accepted by you, your spouse, or dependent child?*

Commentary

The following opinions issued by the Committee on Codes of Conduct provide guidance on issues associated with this part.

Attendance of judges and their spouses as guests at bar association dinners is proper, and a judge may accept reimbursement for the judge's or the judge's spouse's travel and hotel expenses to attend such a dinner sponsored by lawyer organizations even when the judge does not speak or render other services at the function. (Advisory Opinion No. 17.)

It is permissible for a judge to attend, and accept hospitality at bar association events and meetings of other organizations devoted to improvement of the law, legal system, or the administration of justice. With respect to attendance at cocktail parties hosted by law firms in connection with bar meetings, judicial conferences, and the like, there is no impropriety in a judge accepting such invitations in the absence of reason to believe that such attendance will

reasonably reflect unfavorably on the judge's impartiality or is likely to be exploited by the law firm. (Advisory Opinion No. 17.)

It is permissible for judges to attend bar association events such as receptions where a legal publishing firm has donated the hors d'oeuvres and beverages to the bar association. It is not appropriate, however, for a group of judges or judicial personnel to allow a legal publishing firm or other vendor doing business with their court to donate food and beverages for a meeting of the judges or judicial employees. (Compendium § 2.9(a) (1995).)

Although mere attendance (along with others similarly situated) without paying a registration fee would not create an appearance of impropriety, it would create an appearance of impropriety for employees of the Administrative Office to accept from a legal publishing firm a gift of transportation, lodging and meals in connection with a professional training program sponsored by the firm. (Compendium § 2.9(b) (1995).)

It would create an appearance of impropriety for a judge to permit a for-profit company to host a reception following the judge's investiture, where the judge had no preexisting relationship with the company, would not otherwise have been required to recuse, and the circumstances would convey the impression that the company was in a special position to influence the judge. (Canon 2B and Compendium § 2.10(c) (1995).)

It is permissible for a judge to be the guest of honor at a public dinner arranged by former law clerks, attended by lawyers and other members of the public, as well as the law clerks. The law clerks should make clear on the invitations and other papers relating to the dinner, not only the fact that the dinner is sponsored solely by present and former law clerks, but that the amount paid by other attendees is solely to cover the cost of the dinner, that no fund-raising activity is involved, and that no part of the amount paid for the dinner will be employed in the purchase of a gift for the honoree. (Compendium § 5.4-5(c) (1995).)

A judge participating as a faculty member in a two-week seminar of general interest organized on a nonprofit basis and financed by tuition and subsistence payments by nonfaculty attendees may accept reimbursement for the judge's and the judge's spouse's travel and subsistence expenses. (Advisory Opinion No. 3.)

A judicial employee may receive compensation and reimbursement of expenses for outside activities provided that receipt of such compensation and reimbursement is not prohibited or restricted by this Code, the Ethics Reform Act, and other applicable law, and provided that the source or amount of such payments does not influence or give the appearance of influencing the judicial employee in the performance of official duties or otherwise give the appearance of impropriety. Expense reimbursement should be limited to the actual cost of travel, food and lodging reasonably incurred by a judicial employee. (Code of Conduct for Judicial Employees, Canon 4E.)

V. Other Gifts

Special attention should be given to the attached regulations relating to gifts at Appendix IV.

Information pertaining to the reporting person and the spouse and dependent children, as noted, is required in this Part.

In this Part report information about gifts other than transportation, lodging, food or entertainment aggregating $250 or more in value received by you, your spouse and dependent children from any source other than a relative during the preceding calendar year. Gifts from separate sources with a fair market value of $100 or less need not be aggregated to determine if the $250 reporting threshold has been met. Section 102(a)(2)(A).

If you have been extended an honorary membership in an organization and you avail yourself of the privileges, rights, etc., to a substantial degree, and the dues are in excess of $250 a year, you must report the honorary membership in this Part.

You are not required to disclose information about:

- gifts received from a relative. Section 102(a)(2)(A).
- gifts received by a spouse and dependent children, totally independent of their relationship to you. Section 102(e)(1)(C).
- gifts received in a period when you were not an officer or employee of the Federal Government. Section 102(h).

Use the parentheticals "(S)" and "(DC)" to indicate other gifts received by your spouse and dependent children, respectively.

If you, your spouse, and your dependent children did not receive any gifts reportable in Part V, check the "None" box rather than leaving Part V blank.

For the definition of gift and relative, refer to Part IV of these Instructions.

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(2)(A). For initial and final Reports, see Appendices I and II, respectively, for the appropriate reporting period and rules.

V. OTHER GIFTS. (Includes those to spouse and dependent children; use the parentheticals "(S)" and (DC)" to indicate other gifts received by spouse and dependent children, respectively. See pp. 30-33 of Instructions)

	SOURCE	DESCRIPTION	VALUE
☐	**NONE**	(No such reportable gifts)	
1	Former Law clerks	Gavel/robe/brief case 20th Anniv.as Judge	$ 275.00
2	The Executive Club	Honorary membership (est. dues)	$ 1200.00

Notes to filer:

____ *Do you, your spouse, or any dependent child have any reportable gifts other than transportation, lodging, food, or entertainment? If not, is the NONE box checked?*

____ *Did you list the identity of the source, a description of the gift, and the actual dollar value?*

____ *Can the gift be accepted?*

Commentary

If stock is listed as a gift, the stock should also be reported in Part VII, Investments and Trusts.

The value of a gift is shown by a dollar amount, not by a value code.

The following opinions issued by the Committee on Codes of Conduct provide guidance on issues associated with this part.

Investitures and Similar Ceremonies

(a) It is permissible for a judge to accept a gavel and a $500 gift from a former client on the occasion of the judge's investiture. (Compendium § 5.4-2(a) (1995).)

(b) It is permissible for a judge to accept a gavel and a contribution toward the cost of the reception from a local bar association on the occasion of the judge's investiture. (Compendium § 5.4-2(b) (1995).)

(c) It is permissible for a judge to accept leather notebook and pen from Law Institute as a memento of a judge's presentation. (Compendium § 5.4-2(c) (1995).)

Gifts on Special Occasions

(a) A judge may accept a gift of a trip aboard a cruising ship (costing about $1500) on the occasion of his 20th anniversary as a United States judge where the donees consist exclusively of persons who have worked directly with him (i.e., law clerks, secretaries, courtroom deputies, and court reporters), there are a sufficient number of donees that no individual contribution to the gift is unusually large, and the judge is not made aware of the amounts contributed by the respective donees. (Compendium § 5.4-7(a) (1995).)

(b) On occasion of taking senior status, judge may accept gift from law clerks of golfing trip. (Compendium § 5.4-7(b) (1995).)

(c) It is not improper for former law clerks to solicit funds from other law clerks to establish scholarship in honor of retiring judge. The Judge and present law clerks should not solicit. (Compendium § 5.4-7(c) (1995).)

Miscellaneous Gift Rulings

(a) It is permissible to accept books from West Publishing Company for official use. (Compendium § 5.4-Z(a) (1995).)

(b) It is permissible for a judge's children to accept scholarships awarded on the same terms and based on the same criteria applied to other applicants. (Compendium § 5.4-Z(b) (1995).)

(c) Gifts from a friend not prohibited where friend not likely to ever appear in judge's court. (Compendium § 5.4-Z(c) (1995).)

Honorary/Reduced-Rate Memberships

(a) It is permissible for a judge to accept a free membership in a country club, including a waiver or reduction in the initiation fee, or to accept a free or reduced membership in a YMCA if it is customary in that community, similar privileges are extended to other public officials, the interests of the organizations have not and are not likely to come before the judge, and the judge is satisfied that the membership is not being used by the organization to promote its endeavors. (See Advisory Opinion No. 47.)

(b) It is permissible for a judge to accept a free membership in the "American Board of Trial Advocates," the organization being devoted to the improvement of the law. (Compendium § 5.4-1(b) (1995).)

(c) It is permissible to accept free membership in a local bar association. (Compendium § 5.4-1(c) (1995).)

VI. Liabilities

Information pertaining to the reporting person, spouse, and dependent children is required in this Part.

In this Part list all of your, your spouse's and dependent children's liabilities to any creditor other than a spouse, parent, brother, sister, or child, which exceeded $10,000 at any time during the reporting period. Sections 102(a)(4) and 102(e)(1)(E).

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(4). For initial and final Reports, see Appendices I and II, respectively, for the appropriate reporting periods.

In this Part, list the identity and category of value of each liability. The identity includes the name of the creditor and a description of the liability. Section 102(a)(4). To assist the reviewer, liabilities should be listed in the same order as in the previous Report.

The category codes for the amount owed as of the end of the reporting period are shown on the Report and are as follows:

J -	$15,000 or less	P1 -	$1,000,001 to $5,000,000
K -	$15,001 to $50,000	P2 -	$5,000,001 to $25,000,000
L -	$50,001 to $100,000	P3 -	$25,000,001 to $50,000,000
M -	$100,001 to $250,000	P4 -	more than $50,000,000
N -	$250,001 to $500,000		
O -	$500,001 to $1,000,000		

Section 102(d)(1).

The reporting requirement relates to obligations that at any time during the reporting period exceeded $10,000, but the amount to be shown by the category code is the amount owed as of the end of the reporting period.

In the creditor section, indicate, where applicable, the person responsible for the liability with the parenthetical "(S)" for separate liability of spouse, "(J)" for joint liability of the reporting person and spouse, or "(DC)" for liability of a dependent child.

You are not required to report:

- any liability owed to a spouse, parent, brother, sister, or child. Section 102(a)(4).
- any mortgage secured by real property which is a personal residence of you or

your spouse. Section 102(a)(4)(A).

- any loan secured by a personal motor vehicle, household furniture, or appliances that does not exceed the purchase price of the item securing the liability. Section 102(a)(4)(B).

- any information with respect to a spouse living separate and apart from you with the intention of terminating the marriage or providing for permanent separation or with respect to any income or obligations arising from the dissolution of the marriage or permanent separation. Section 102(e)(2).

- any revolving charge account whose balance did not exceed $10,000 as of the close of the preceding calendar year.

- political campaign funds, including campaign receipts and expenditures. Section 102(g).

- any liability which is the sole liability or responsibility of the spouse or child; which is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of investments and trusts, see the Instructions for Part VII.

If you, your spouse, and your dependent children did not have any reportable liabilities, check the "None" box rather than leaving Part VI blank.

VI. LIABILITIES. (Includes those of spouse and dependent children; indicate where applicable, person responsible for liability by using the parenthetical "(S)" for separate liability of spouse, "(J)" for joint liability of reporting individual and spouse, and "(DC)" for liability of a dependent child. See pp. 34-36 of Instructions.)

	CREDITOR	DESCRIPTION	VALUE CODE*
☐	**NONE**	(No reportable liabilities)	
1	Old National Bank	Credit Card	L
2	Nationsbank	Mortgage on Rental Property #1 Alexandria VA (Pt VII, line 3)	M

*VALUE CODE: J=$15,000 or less K=$15,001 to $50,000 L=$50,001 to $100,000 M=$100,001 to $250,000
N=$250,001 to $500,000 O=$500,001 to $1,000,000 P1=$1,000,001 to $5,000,000
P2=$5,000,001 to $25,000,000 P3=$25,000,001 to $50,000,000 P4=More than $50,000,000

Notes to filer:

____ *Do you, your spouse, or dependent child have any reportable liabilities over $10,000?*

____ *Did you list the identity of the creditor, a description of the liability, and a value code for the amount?*

____ *If a mortgage is listed, is there a corresponding entry for the property in Part VII?*

VII. Investments and Trusts

Information pertaining to the reporting person, spouse, and dependent children is required in this Part.

1. General

In this Part a complete listing is required of reportable assets owned by the reporting person and spouse and dependent children. **Each asset must be individually listed and identified except as may be specifically provided otherwise (see Part 6 Trusts below).** Bank or brokerage house reports are not acceptable for compliance with these reporting requirements unless they succinctly contain all necessary information without requiring the reader to perform calculations or select out necessary data from a larger body of information. For initial Reports, there are separate rules for completing this Part, found at Appendix I of these Instructions.

Report assets held during the preceding calendar year in a trade or business, or for investment or the production of income, which have a fair market value in excess of $1,000 at the end of the year or from which you received income in excess of $200 during the preceding calendar year. Sections 102(a)(3) and 102(a)(1)(B).

You are not required to report:

- Investments in the Thrift Savings Plan. Section 102(i)(1)(A).

- Any property, real or personal, not held in a trade or business, or for investment or the production of income. As examples, you need not report a private residence or personal automobiles. Section 102(a)(3).

- Any personal liability owed to you, your spouse, or dependent children by a spouse, or by a parent, brother, sister, or child of you or your spouse. Sections 102(a)(3) and 102(e)(1).

- Accounts in a financial institution (any form of deposit in a bank, savings and loan association, credit union or similar financial institution), unless the aggregate amount of income for all an individual's income producing accounts at the institution for the reporting year is in excess of $200, or the aggregate value at the end of the reporting year of all such income producing accounts is more than $5,000. If either condition is met, each such account must be separately reported. Sections 102(a)(1)(B) and 102(a)(3).

- Asset information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation. Section 102(e)(2).

- Political campaign funds, including campaign receipts and expenditures. Section 102(g).

- In Part VII, information associated with property which is the sole financial interest or responsibility of the spouse or child; which is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of liabilities, see the Instructions for Part VI.

To help reporting persons in instances where a position held in an economic entity may have a bearing on reporting requirements, the following should be used as guidance:

> When a Financial Disclosure Report contains information reflecting a filer's interest in a partnership or other business enterprise, the filer must disclose the assets held by the business entity if a filer can direct, influence or in any other manner affect the purchase, exchange, sale or disposition of the entity or property owned by the entity, or when the filer can influence policy decisions which affect the purchase, exchange, sale or disposition of the entity or of property which it owns.

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(1)(B). For final Reports, see Appendix II for the appropriate period.

If you, your spouse, and your dependent children did not have assets subject to reporting, check the "None" box rather than leaving Part VII blank.

Commentary

Investment income is to be contrasted with earned income. The crucial factor is the filer's services. If the filer's services are a material factor in the production of income, it is earned income and should be reported in Part III. However, limited partners usually receive investment income from the partnership, since they normally do not perform services for the partnership. Investment income includes returns on investments rather than compensation for personal services. It includes income derived from all forms of property, such as securities, funds, accounts, real estate, partnerships, joint ventures, businesses, and interests in trusts and estates.

When determining whether or not an investment asset should be reported, either the income threshold (in excess of $200 during the preceding calendar year) or the value threshold (in excess of $1,000) at the end of the year is sufficient to require reporting. For accounts in a financial institution, assets must be in excess of $5,000 or produce income in excess of $200. It

has been a fairly common misconception from filers that both thresholds must be met before an asset is required to be disclosed.

Normally, any information pertaining to a personal residence is exempted from reporting. However, a second personal residence (e.g., a weekend or vacation home) should be reported if rental income is received for the use of the property.

The reporting of accounts in a financial institution does require some clarification since the Committee changed some of the language for the calendar year 1994 Instructions. If the aggregate amount of income for all of an individual's accounts or the value of all such income producing accounts exceeds the established thresholds, then each such account must be separately reported for each individual. It is important to apply the "threshold test" separately to each individual owner of the accounts, which would include the following:

(1) accounts individually owned by filer,

(2) accounts individually owned by spouse,

(3) accounts individually owned by dependent child, and

(4) accounts jointly owned by filer and spouse or dependent child.

It should be understood that a reporting exemption for failure to meet a threshold amount, or for any other reason, does not affect any inquiry or recusal obligation under the Code of Conduct for United States Judges.

2. Description of Assets

In completing Part VII, a separate description of each asset listed is required. To assist the reviewer, assets should be listed in the same order as in the previous Report. Each asset reported should be described in sufficient detail so the reader can tell what the property is. As examples:

- For stocks, bonds, and other securities indicate the type of the holding, "common," etc., and its name. Commonly understood abbreviations are permitted.

- For an account within a financial institution, give sufficient information so that it can be identified. Aggregate information may be provided for accounts in each financial institution.

- For notes or accounts receivable, indicate the nature of the receivable and the name of the debtor(s).

- For each real estate interest, indicate the general geographic location, such as city or county and state. If more than one parcel of real estate is owned in the same geographic area, you may identify each parcel by number, i.e., Parcel 1, 2, 3, etc., rather than identifying each parcel by street address, lot, or block number.

- For an interest in a trust, indicate the nature of the interest (e.g., "income beneficiary"), the name (if any) of the trust, and the name and location of the trustee.

- For an interest in a mutual fund or pooled or common trust fund administered by an independent financial or brokerage institution, furnish the name of the fund.

At times, reporting persons inadvertently omit the listing of assets, and correct the previous year's errors in the following year's Report. Also, assets which were reported in one year may fail a qualifying requirement (such as a value of $1,000) in the following year and thus are not reported. When this occurs, put an explanatory item in Part VII or in Part VIII, with a reference in Part VII to avoid a letter of inquiry.

In addition, identify with a parenthetical "(X)" assets which have been previously exempt from disclosure and now are reportable. This should preclude a letter of inquiry from the reviewer.

In the Description section of Part VII (Column A), indicate, where applicable, the owner of the listed asset with the parenthetical "(J)" for joint-ownership by the reporting person and spouse, "(S)" for separate ownership by spouse, or "(DC)" for ownership by dependent child.

The reporting of a position in Part I as trustee, executor, administrator, custodian, or any similar position requires a listing in Part VII of the assets involved if either you, your spouse, or any of your dependent children (1) has a beneficial interest in the estate or fund with which you are associated, or (2) controls the purchase, sale, or other disposition of the estate or fund.

VII. INVESTMENTS and TRUSTS -- income, value, transactions. (Includes those of spouse and dependent children; See pp. 37-54 of Instructions)

A. Description of Assets (Including trust assets)	B. Income during reporting period		C. Gross value at the end of reporting period		D. Transactions during reporting period				
Indicate, where applicable, owner of the asset by using the parenthetical "(J)" for joint ownership of reporting individual and spouse, "(S)" for separate ownership by spouse, "(DC)" for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure						If not exempt from disclosure			
	(1) Amt. Code1 (A-H)	(2) Type (e.g., div., rent or int.)	(1) Value Code2 (J-P)	(2) Value Method Code3 (Q-W)	(1) Type (e.g. buy, sell, merger redemption)	(2) Date: Month Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (If private transaction)
☐ NONE (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)									
2 RentalProperty #1, Alexandria, VA (1995 $200,000) (J)									
3 Nationsbank (IRA) (CDs)									
4 McDonalds Common Stock (X)									

1 Income/Gain Codes: A=$1,000 or less B=$1,001 to $2,500 C=$2,501 to $5,000 D=$5,001 to $15,000
(See Col. B1 & D4) E=$15,001 to $50,000 F=$50,001 to $100,000 G=$100,001 to $1,000,000
H1=$1,000,001 to $5,000,000 H2=More than $5,000,000

2 Value Codes: J=$15,000 or less K=$15,001 to $50,000 L=$50,001 to $100,000 M=$100,001 to $250,000
(See Col. C1 & D3) N=$250,001 to $500,000 O=$500,001 to $1,000,000 P1=$1,000,001 to $5,000,000
P2=$5,000,001 to $25,000,000 P3=$25,000,001 to $50,000,000 P4=More than $50,000,000

3 Value Method Codes: Q=Appraisal R=Cost(real estate only) S=Assessment T=Cash/Market
(See Col. C2) U=Book Value V=Other W=Estimated

Notes to Filer:

____ *Do you identify the asset in Column A in sufficient detail to clearly identify the type of property? If no assets are listed, is the NONE box checked?*

____ *If a real estate interest is listed, is the city or county and state listed?*

____ *If a financial institution is listed, is the institution clearly identified?*

____ *If a note or account receivable is listed, are the debtor names and the nature of the debt described?*

____ *If a gas, oil, or mineral interest is listed, do you identify the city or county and state and the name of the energy company or other payor of royalties, working interests, or rentals?*

____ *Do you clearly identify stocks, bonds, mutual funds and the underlying assets of IRAs and brokerage accounts?*

____ *If the asset was not listed on the previous report, do you include transactional information in Column D or a parenthetical "(X)" in Column A denoting that the asset was exempt from disclosure on the previous report?*

____ *If you listed a position in Part I as trustee, administrator, custodian, etc., is the estate or trust listed and the assets therein properly identified?*

Commentary

When listing stocks, bonds, and other securities, the individual name or commonly understood abbreviation should be provided. Stocks should be indicated as "common" or "preferred." Bonds and other securities should have enough detail in the description to differentiate that asset from other similar assets listed. This is particularly helpful for the reviewer and auditor when the filer reports multiple bonds or securities in the same or similar series, or brokerage accounts that lists its accounts in the name of the firm.

When reporting accounts with financial institutions, the type of account does not need to be listed.

When reporting an interest in a mutual fund or common trust fund, only the name of the fund is required. There is no requirement to list the individual assets. An interest in a trust, estate, or similar entity requires the listing of each individual asset unless the exemptions from disclosure of the individual assets in 6. Trusts and Similar Entities are met.

It is important that the owner of each asset be properly identified and be consistent on each Report. In the event of a discrepancy, an explanation should be provided in Part VIII to preclude a letter of inquiry.

The reviewer and auditor will note when an asset appears on the current Report and is not listed on the prior Report and there is no transaction information in Column D. In this situation, the filer should place a parenthetical "(X)" in Column A denoting that the asset was exempt from disclosure in the prior Report.

It is important to recognize that in almost every instance where a filer is a trustee, executor, adminisrator, custodian etc., the filer has the legal authority and responsibility to exercise control over and manage the assets in a trust or estate. It is this authority based on the filer's fiduciary responsibilities to control the purchase, sale, or other disposition of the assets that requires the filer to list the assets in this Part.

3. Income

In Column B of Part VII, the income from listed assets must be shown. The disclosure of the gross amount and the type of income -- dividends, rent, interest, or income from discharge of indebtedness -- is required. Sections 102(a)(1)(B) and 109(7). All income is reportable, whether taxable, tax deferred, or tax exempt. When no income is received (or there is a loss) Column B1 under Amount should be left blank and the word "NONE" should appear in Column B2 under Type. When some income is received, the appropriate code, reflecting the amount, should be used. If the type of income is not a dividend, rent, interest, or income from discharge of indebtedness, it should be explained either in Part VII or Part VIII. The ranges are required by statute and the coded amounts for income are listed on the reporting form as follows:

A	-	$1,000 or less
B	-	$1,001 to $2,500
C	-	$2,501 to $5,000
D	-	$5,001 to $15,000
E	-	$15,001 to $50,000
F	-	$50,001 to $100,000
G	-	$100,001 to $1,000,000
H1	-	$1,000,001 to $5,000,000
H2	-	More than $5,000,000

Section 102(a)(1)(B).

The same ranges and codes are used to report capital gains associated with transactions in Column D of Part VII. However, capital gains associated with "distributions" should be treated and reported as dividends in Column B.

The income from U.S. Savings Bonds, and similar investments should be reported if the minimum of $200 is reached.

VII. INVESTMENTS and TRUSTS – income, value, transactions. (Includes those of spouse and dependent children; see pp. 37-54 of Instructions)

A. Description of Assets (Including trust assets)	B. Income during reporting period		C. Gross value at the end of reporting period		D. Transactions during reporting period				
Indicate, where applicable, owner of the asset by using the parenthetical "(J)" for joint ownership of reporting individual and spouse, "(S)" for separate ownership by spouse, "(DC)" for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure	(1) Amt. Code1 (A-H)	(2) Type (e.g., div., rent or int.)	(1) Value Code2 (J-P)	(2) Value Method Code3 (Q-W)	(1) Type (e.g. buy, sell, merger redemption)	If not exempt from disclosure: (2) Date: Month Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (If private transaction)
☐ NONE (No reportable income, assets, or transactions)									
1 LEGO COMMON STOCK (S)	B	DIV							
2 RENTAL Property #1, ALEXANDRIA, VA (1995 $200,000) (J)	D	RENT							
3 Nationsbank (IRA) (CDs)	A	INT							
4 McDonalds Preferred Stock (X)		NONE							

1 Income/Gain Codes: (See Col. B1 & D4)
A=$1,000 or less B=$1,001 to $2,500 C=$2,501 to $5,000 D=$5,001 to $15,000
E=$15,001 to $50,000 F=$50,001 to $100,000 G=$100,001 to $1,000,000
H1=$1,000,001 to $5,000,000 H2=More than $5,000,000

2 Value Codes: (See Col. C1 & D3)
J=$15,000 or less K=$15,001 to $50,000 L=$50,001 to $100,000 M=$100,001 to $250,000
N=$250,001 to $500,000 O=$500,001 to $1,000,000 P1=$1,000,001 to $5,000,000
P2=$5,000,001 to $25,000,000 P3=$25,000,001 to $50,000,000 P4=More than $50,000,000

Notes to filer:

____ *Do you disclose in Column B the amount and type of income?*

____ *If you indicate "NONE" in Column B(2), did you leave Column B(1) blank?*

Commentary

Column B(1), the income amount code, and Column B(2), the type of income, should both be completed if you have income. If no income was received, Column B(1) should be left blank and the word "None" should appear in Column B(2). When some income is received, then the appropriate income amount code and type should be provided.

The statute lists only four types of income- dividends, rent, interest, or income from discharge of indebtedness. If the filer lists another type, then it should be explained in Part VII or Part VIII.

Some filers question whether to report income from IRAs or other retirement or pension plans where they are not actually drawing income from the account. All income should be reported, whether taxable, tax deferred, or tax exempt.

Filers will take special care when disclosing an IRA (Individual Retirement Account). They are merely arrangements for holding other investments on a tax-deferred basis. The focus should be placed on the underlying investments which should be disclosed. Many IRAs are invested in cash or cash-equivalent accounts, such as a money market fund or other deposit account in a bank. No further information about these accounts is required to be disclosed. However, if any other type of entity, such as a broker holds IRA assets for a filer, the filer must disclose the underlying holdings in the account. IRAs may contain almost any investment, such as mutual funds, stocks, or bonds.

Other tax-deferred retirement or pension accounts (such as Simplified Employee Pensions-SEPs, Keogh Plans-HR-10, 401(k), and 403b Plans) are similar to IRAs and are self-directed where the filer has control over the funds. Therefore, the underlying investments should also be disclosed.

4. Value

In Column C, the gross value of the asset at the end of the reporting period is reported. Section 102(a)(3). There are statutory value ranges and a value code on the form. These same values are used for the value of reported assets in Column C and for the value of assets reported in the Transaction part of Part VII, Column D. They are as follows:

J	-	$15,000 or less
K	-	$15,001 to $50,000
L	-	$50,001 to $100,000
M	-	$100,001 to $250,000
N	-	$250,001 to $500,000
O	-	$500,001 to $1,000,000
P1	-	$1,000,001 to $ 5,000,000
P2	-	$5,000,001 to $25,000,000
P3	-	$25,000,001 to $50,000,000
P4	-	More than $50,000,000

Section 102(d)(1).

In addition, the method used for valuation should be reported in Column C. These are coded as follows:

Q -- Appraisal. Indicate in Part VII-A or Part VIII the date of the appraisal.

R -- Cost. This method may be used only for real property or an interest in a real estate partnership. If used, show in Part VII-A or Part VIII the date of purchase and the amount, not just the category code, of the purchase price.

S -- Assessment -- assessed value for tax purposes. If this method is used, show in Part VII-A or Part VIII the amount, not just the category code, of the assessed value and, if the property is assessed at less than 100% of its value, adjust the assessed value to reflect the current value and explain your adjustment.

T -- Cash/Market. The quoted market price of publicly traded stocks and other securities; the face value of interest bearing corporate or municipal bonds or comparable securities; the balance or surrender value of certificates of deposit, savings and checking accounts, money market funds, etc.

U -- Book. The net worth of a proprietorship, partnership interest, or corporate stock according to the books of such entity. This method may be used only for property interests not publicly traded.

V -- Other. Any other recognized indication of value, such as current selling price of a comparable interest. If this method is used, you must describe in Part VII-A or Part VIII the method used.

W -- Estimated. Your good faith estimate of the value of property if its exact value is not known and a more accurate determination of its value cannot be easily obtained by another method.

The gross value of the property should be indicated without reductions for mortgages, etc. References may be made in Part VII to mortgages included in Part VI (Liabilities).

VII. INVESTMENTS and TRUSTS – income, value, transactions. (Includes those of spouse and dependent children; See pp. 37-54 of Instructions)

A. Description of Assets (Including trust assets) Indicate, where applicable, owner of the asset by using the parenthetical "(J)" for joint ownership of reporting individual and spouse, "(S)" for separate ownership by spouse, "(DC)" for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at the end of reporting period		D. Transactions during reporting period				
	(1) Amt. Code1 (A-H)	(2) Type (e.g., div., rent or int.)	(1) Value Code2 (J-P)	(2) Value Method Code3 (Q-W)	(1) Type (e.g. buy, sell, merger redemption)	If not exempt from disclosure (2) Date: Month Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (If private transaction)
☐ NONE (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)	B	DIV	K	T					
2 Rental Property #1, ALEXANDRIA, VA (1995 $200,000) (J)	D	RENT	M	R					
3 Nationsbank (IRA) (CDs)	A	INT	J	T					
4 McDonalds Common Stock (X)		NONE	J	T					

1 Income/Gain Codes: A=$1,000 or less B=$1,001 to $2,500 C=$2,501 to $5,000 D=$5,001 to $15,000
(See Col. B1 & D4) E=$15,001 to $50,000 F=$50,001 to $100,000 G=$100,001 to $1,000,000
H1=$1,000,001 to $5,000,000 H2=More than $5,000,000

2 Value Codes: J=$15,000 or less K=$15,001 to $50,000 L=$50,001 to $100,000 M=$100,001 to $250,000
(See Col. C1 & D3) N=$250,001 to $500,000 O=$500,001 to $1,000,000 P1=$1,000,001 to $5,000,000
P2=$5,000,001 to $25,000,000 P3=$25,000,001 to $50,000,000 P4=More than $50,000,000

3 Value Method Codes: Q=Appraisal R=Cost(real estate only) S=Assessment T=Cash/Market
(See Col. C2) U=Book Value V=Other W=Estimated

Notes to Filer:

____ *Do you list in Column C(1) the gross value code (J-P) at the end of the reporting period?*

____ *Do you list in Column C(2) the correct value method code (Q-W) reflecting how the value of the asset was determined?*

____ *If you used value method codes "Q", "R", "S", or "V," did you include the appropriate information in Column A or Part VIII?*

Commentary

If an asset is entirely sold during the reporting period, then Column C should be left blank. However, if an asset is partially sold (such as a portion of the total shares of stock owned), then Column C should be completed.

In addition, it should be emphasized that in Column C(2), there are four value method codes which require additional information in either Column A or Part VIII. Filers tend to forget that each report must stand on its own and as a result often fail to provide the following on their report each year:

(1) "Q"-Appraisal- the date of the appraisal.

(2) "R"-Cost- the date of purchase and the dollar amount of the purchase price.

(3) "S"-Assessment- the dollar amount of the assessed value.

(4) "V"-Other- the filer must describe the method used in Column A (Description) or Part VIII.

5. Transactions

Information on transactions should be entered in Column D. Transactions to be reported involve any purchase, sale or exchange during the reporting period which exceeds $1,000. Section 102(a)(5).

As to each acquisition or disposition, you should disclose:

a) the type of transaction, e.g., buy, sell, merger, inherit, redeem, etc.;

b) the date of the transaction;

c) the value category code indicating the value of the consideration paid or received;

d) the capital gain, if exceeding $200, realized on a disposition, using the appropriate income category code (codes A-H);

e) the identity of the buyer or seller unless the transaction was conducted through public trading, as on a stock or commodities exchange.

f) the liquidation of a bank account or money market fund that may have been reported on a prior Report.

If an asset has been bought and sold during the same reporting period, provide the required information about both transactions on successive lines.

On an exchange of properties, e.g., exchange of stock of ABC Co. for stock in XYZ Co. as a result of merger, list both the disposition of the ABC stock, and show any capital gain, whether or not recognized, and the acquisition of the XYZ stock.

The value category codes, codes J-P, which for convenient reference are also shown at the bottom of the Report, are listed above under VALUE.

The income category codes, codes A-H, for reporting capital gains, which for convenient reference are also shown at the bottom of the Report, are listed above under INCOME. If there is a loss, or no gain or loss, Column D4 under GAIN should be left blank.

You are not required to provide detailed transactional data on:

- transactions solely between yourself, your spouse, and your dependent children. Section 102(a)(5).
- transactions in which the then fair market value of consideration paid or received did not exceed $1,000. Section 102(a)(5).
- transactions involving property used solely as the personal residence of you or your spouse. Section 102(a)(5)(A).
- transactions involving a mere change of form of assets, e.g., a stock split.
- deposits or withdrawals from bank accounts and money market funds.
- transactions involving the reinvestment of dividends, interest, and capital gain distributions.

If property listed in Part VII is acquired (or created) or disposed of (or liquidated) during the year in a transaction that is exempt from disclosure as above noted, indicate in Column D the type of transaction.

If property is partially disposed of during the reporting year, Columns C and D may both require information. To avoid a response to questions of possible errors in reporting, indicate on the asset line that it was "part sold."

VII. INVESTMENTS and TRUSTS -- income, value, transactions. (Includes those of spouse and dependent children; See pp. 37-54 of Instructions)

A. Description of Assets (Including trust assets) Indicate, where applicable, owner of the asset by using the parenthetical "(J)" for joint ownership of reporting individual and spouse, "(S)" for separate ownership by spouse, "(DC)" for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at the end of reporting period		D. Transactions during reporting period				
						If not exempt from disclosure			
	(1) Amt. Code1 (A-H)	(2) Type (e.g., div., rent or int.)	(1) Value Code2 (J-P)	(2) Value Method Code3 (Q-W)	(1) Type (e.g. buy, sell, merger redemption)	(2) Date: Month Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (If private transaction)
☐ NONE (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)	B	DIV	K	T	Buy	7/10	J		
2 Rental Property #1, ALEXANDRIA, VA (1995 $200,000) (J)	C	RENT			Sell	12/5	N	E	Joe Smith
3 Nationsbank (Savings Account)	A	INT			Close				
4 Cabin Creek National Bank (Stock)	B	DIV	L	U	Partial Sale	10/1	J	B	Jeremiah West

1 Income/Gain Codes: A=$1,000 or less B=$1,001 to $2,500 C=$2,501 to $5,000 D=$5,001 to $15,000
(See Col. B1 & D4) E=$15,001 to $50,000 F=$50,001 to $100,000 G=$100,001 to $1,000,000
H1=$1,000,001 to $5,000,000 H2=More than $5,000,000

Notes to filer:

____ *If the asset is a new listing, do you list in Column D information on the transaction?*

____ *Do you list the date of the transaction in Column D(2)?*

____ *Do you list in Column D(3) the value code (J-P) indicating the value of the consideration paid or received for the asset?*

____ *Do you list in Column D(4) capital gain (income codes A-H) realized on the disposition of the asset or leave this column "blank" if there was no gain or a loss?*

____ *Do you list the identity of the buyer or seller for all transactions not conducted through public trading, as on a stock or commodities exchange?*

Commentary

In addition to purchases and sales, other types of transactions such as mergers, gifts, inheritances, and redemptions require completion of all parts of Columns D(1)-(3).

If an asset was disposed of (sale or redemption), then Column D(4)- the capital gain code should also be provided. In addition, Column D(5) should be completed as to the identity of the buyer or seller if it was a private transaction (as opposed to a transaction conducted through public trading, as on a stock or commodities exchange).

It should be noted that some filers leave Column D blank when they have a transaction which does not require complete details. However, Column D(1) should be completed to provide the type of transaction. This is a common omission when the filer either opens or closes an account in a financial institution. The following are common examples of these types of transactions:

(1) opening and closing of accounts in financial institutions, including the rollover of an account from one financial institution to another,

(2) transactions solely between the filer, his or her spouse, and dependent children,

(3) transactions in which the then fair market value of consideration paid or received did not exceed $1,000, and

(4) transactions involving a mere change of form of assets, e.g., a stock split.

6. Trusts and Similar Entities

Holdings of beneficial interests in trusts and similar entities present special problems in reporting.

A reporting person need not report the holdings of, or the source of, income from any of the holdings of:

a) a qualified blind trust. Section 102(f)(1). (see below).

b) a trust:
(i) which was not created directly by the reporting person, his spouse, or any dependent child; and
(ii) the holdings or sources of income, of which the person, his spouse, or any dependent child have no knowledge.
Section 102(f)(2).

c) a widely held investment fund, if the fund is publicly traded or the assets of the fund are widely diversified, and the reporting person neither exercises control, nor has the ability to exercise control over the financial interests held by the fund. Section 102(f)(8).

A reporting person does not have to report a contingent interest in a trust if the reporter has no control over the assets of the trust. An interest is contingent if there is no present right or ability to any income or principal, and the future is uncertain either by survivorship or otherwise.

Individual assets, stocks, and bonds that are part of an IRA or brokerage account must be disclosed. However, when a mutual or widely diversified fund is part of an IRA or brokerage account, only the name of the fund and not its underlying stocks, bonds, or other assets, must be listed. In other words, underlying stocks, bonds, etc. in a pooled fund which are not individually directed by the reporting individual need not be disclosed.

A reporting person should complete Part VII, Columns A and B, for the trust or other financial arrangement qualifying under the conditions listed. Section 102(f)(2).

Report the holdings and sources of income of interests in private investment clubs or investment partnerships. In these arrangements, as in other trusts not qualifying under the conditions listed above, the basic rule is that the income, value and transactions of the holdings of the trust or similar arrangement in which you, your spouse or dependent child have a beneficial interest must be reported. In lieu of reporting the beneficial share of income, value, and transactions separately for each asset, you may treat the entire beneficial share as one item reportable in Part VII, Columns A, B, and C and, if applicable, capital gains in Column D. In addition, when using this alternative reporting method, you must provide a separate schedule of the assets owned by the trust, together with acquisitions and dispositions, during the reporting period.

A qualified blind trust is subject to special rules. Section 102(f). The effect of the Codes of Conduct for United States Judges (Canon 3(c)(2)) precludes qualified blind trusts for judges, their spouses and dependent children. Other judicial employees may own beneficial interests in qualified blind trusts as defined and conditioned in the pertinent statutes. Judicial employees considering the establishment of a qualified blind trust are directed specifically to Section 102(f)(3)(D), which requires approval by the Committee on Financial Disclosure.

VII. INVESTMENTS and TRUSTS -- income, value, transactions. (Includes those of spouse and dependent children; See pp. 37-54 of Instructions)

A. Description of Assets (Including trust assets)	B. Income during reporting period		C. Gross value at the end of reporting period		D. Transactions during reporting period				
Indicate, where applicable, owner of the asset by using the parenthetical "(J)" for joint ownership of reporting individual and spouse, "(S)" for separate ownership by spouse, "(DC)" for ownership by dependent child. Place "(X)" after each asset exempt from prior disclosure	(1) Amt. Code1 (A-H)	(2) Type (e.g., div., rent or int.)	(1) Value Code2 (J-P)	(2) Value Method Code3 (Q-W)	(1) Type (e.g. buy, sell, merger redemption)	If not exempt from disclosure: (2) Date: Month Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ NONE (No reportable income, assets, or transactions)									
1 GEORGE WASHINGTON TRUST									
2 IBM Common Stock	A	DIV	K	T					
3 20th Century Mutual Fund	B	DIV	L	T					
4 New York City Municipal Bonds		NONE	L	T	BUY	12/9	L		
5 MERRILL LYNCH BROKERAGE ACCT - IRA									
Merrill Lynch Health Mutual Fund	A	DIV			SELL	1/8	K	A	
Merrill Lynch Growth Mutual Fund	B	DIV	K	T	Buy	1/9	K		

1 Income/Gain Codes: A=$1,000 or less B=$1,001 to $2,500 C=$2,501 to $5,000 D=$5,001 to $15,000
(See Col. B1 & D4) E=$15,001 to $50,000 F=$50,001 to $100,000 G=$100,001 to $1,000,000
H1=$1,000,001 to $5,000,000 H2=More than $5,000,000

2 Value Codes: J=$15,000 or less K=$15,001 to $50,000 L=$50,001 to $100,000 M=$100,001 to $250,000
(See Col. C1 & D3) N=$250,001 to $500,000 O=$500,001 to $1,000,000 P1=$1,000,001 to $5,000,000
P2=$5,000,001 to $25,000,000 P3=$25,000,001 to $50,000,000 P4=More than $50,000,000

Notes to filer:

____ *Did you complete the columns for each asset in the trust, or provide aggregate values?*

____ *If you provide aggregate values for a trust or other instrument, are you required to list each asset individually? If so, do you clearly identify each asset and any transactions?*

Commentary

The holdings of beneficial interests in trusts and similar entities, such as estates, present special problems in reporting. The reporting person is not required to disclose the individual holdings from any trust or other financial arrangement which is specifically exempted and noted as such in the Instructions. The two most common types of exemptions are as follows:

(1) a trust:

(a) which was not created directly by the reporting person, his spouse, or any dependent child; and

(b) the holdings or sources of income, of which the person, his spouse, or any dependent child have no knowledge.

(2) a widely held investment fund, if the fund is publicly traded or the assets of the fund are widely diversified, and the reporting person neither exercises control, nor has the ability to exercise control over the financial interests held by the fund. (This is most commonly associated with regulated investment company accounts, mutual funds, pension or deferred compensation plans, or other investment funds.)

However, for any other trust, estate, or financial arrangement, the individual holdings of which the filer, the spouse, or the dependent child have a vested beneficial interest should be disclosed. The Committee has adopted the following language to use as a guideline:

A reporting person does not have to report a contingent interest in a trust if the reporter has no control over the assets of the trust. An interest is contingent if there is no present right or ability to any income or principal, and the future is uncertain either by survivorship or otherwise.

Related Commentary

The following are examples of statutory guidelines on related subjects extracted from The Codes of Conduct For Judges And Judicial Employees. These guidelines should provide assistance as to the propriety of disclosing certain financial interests.

(1) "Financial interest" means ownership of a legal or equitable interest, however small. (Canon 3(C)(3)(c).)

(2) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund. (Canon 3(C)(3)(c)(i).)

(3) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization. (Canon 3(C)(3)(c)(ii).)

(4) A policy holder in a mutual insurance company, a depositor in a mutual savings association, or owner of government securities has a "financial interest," if the outcome of any proceeding in which the filer participates could substantially affect the value of the interests. (Canon 3(C)(3)(c)(iii) and (iv).)

(5) A judge does not have a financial interest in a corporation whose securities are held by either an educational institution or a private trust of which the judge is a trustee or in which the judge has no beneficial interest and no control over directing investments. (Canon 6(C)(1), Advisory Opinion 16.)

(6) An interest in a limited partnership designed to engage in particular investment strategies can fall within the concept of a "common investment fund" when the judge has no control or influence over the general partner or over the investment decisions. The investment vehicle is similar to a mutual fund. (Compendium § 3.1-3(e) (1995).)

(7) A judge has a "financial interest" in each of the named underlying equity securities when the judge's IRA owns units of an investment vehicle which holds 15 named corporations, the portfolio is not actively managed, and it is not contemplated the securities will be sold or exchanged prior to termination of the investment vehicle in ten years. Investment vehicle does not qualify as "mutual fund or common investment fund" under Canon 3C. (Compendium § 3.1-3(f) (1995).)

(8) A law firms KEOGH plan or 401k plan managed by the firm, small number of participants, ready access to investment information) does not qualify for the "common fund" exception under Canon 3C. (Compendium § 3.1-3(c) (1995).)

(9) A law firm's retirement fund qualifies for the "common investment fund" exception under Canon 3C where the financial interest is indirect (due to the number of participants and the size and diversity of investments), directed investment by participants is not available, and the participants do not know and cannot easily find out about a fund's portfolio, which turns over frequently. (Compendium § 3.1-3(c-1) (1995).)

VIII. Explanatory Comments

Use this section to add information clarifying other portions of the Report. Of particular importance is any information, such as a reference to opinions of the Committee on Codes of Conduct and actions of a Judicial Council, that bears on possible conflicts of interest or problems under the Codes of Conduct for United States Judges. Also use this section to explain any apparent inconsistencies between the current Report and past Reports.

Place explanatory comments either with the item or in Part VIII that will facilitate "tracing" items from one Report to the next. For example, indicate if an asset has a different name from that used in the prior Report because of a reorganization or change of name.

Use attachment pages if more space is needed.

IX. Certification and Signature

The certifications provided on the form cover (1) a certification that the reporting person did not perform any adjudicatory function in any litigation during the reporting period in which such person or his or her spouse or minor or dependent children had a financial interest; (2) a certification that the Report is accurate, true, and complete as to all information required by the Act to be reported; and (3) a certification that earned income from outside employment and honoraria and the acceptance of gifts that have been reported are in compliance with the provisions of applicable laws and regulations.

The first certification covers only minor or dependent children. If it cannot be made in the form contained on the Report, e.g., the reporting person performed adjudicatory functions in a case either in error or under the "rule of necessity," modify the certificate and explain in Part VIII.

The original Report that is to be filed with the Committee must bear the original signature of the reporting person; the other three copies may be copies of the signed original. At least one copy of an amended return or of a clarifying letter responding to a Committee inquiry must bear the original signature of the reporting person; all other copies shall be copies of the signed original. The signature of the reporting person may be excused only during a period of physical or mental incapacity of that person.

Promptly upon discovery that an error has been made in a Report, amend the Report by one of the methods explained on page 4.

COMPLIANCE AND SANCTIONS

Compliance with filing and reporting requirements is monitored pursuant to 5 U.S.C. app. 4, § 106.

One who knowingly and willfully falsifies or fails to file or report any information required under the Act is subject to civil and criminal sanctions. Section 104(a).

ETHICAL STANDARDS

The disclosure requirements and exemptions from disclosure contained in the Act neither define nor limit the standards imposed by the Codes of Conduct for United States Judges and other rules of the Judicial Conference of the United States or the statutory provisions for disqualification or recusal.

For example, disclosure of financial interests under the Act is required only for interests exceeding a stated minimum amount of value and only with respect to certain members of a person's family, whereas 28 U.S.C. § 455(b)(4) applies to financial interests without regard to amount and 28 U.S.C. § 455(b)(5) applies to participation in litigation by a person within the third degree of relationship to the judge. Similarly, the Act exempts from disclosure matters relating to campaign receipts and campaign disbursements, most of which would be prohibited under the Codes of Judicial Conduct for United States Judges, which also precludes qualified blind trusts for judges.

PUBLIC ACCESS

Financial Disclosure Reports are public documents, open to inspection and copying at the office of the Committee on Financial Disclosure. Reports will be made available to the public within thirty (30) days after the Report is received by the Committee on Financial Disclosure and only upon written application. Sections 105(a) and (b)(1).

Individuals requesting copies of Financial Disclosure Reports will be required to present adequate identification such as a picture identification, when requesting a copy in person. Those requesting copies by mail will be required to submit a notarized request.

There will be a charge of fifty (50) cents for each page copied. A Report will be made available only to a person who states on a written application:

(A) that person's name, occupation and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions with regard to obtaining or using the Report.

Section 105(b)(2).

It shall be unlawful for any person to obtain or use a Report--

(A) for any unlawful purpose;

(B) for any commercial purpose other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any person; or

(D) for use directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

Section 105(c)(1).

The Attorney General may bring a civil action against any person who obtains or uses a Report for any prohibited purpose described above. The court in which such action is brought may assess against such person a penalty in any amount not to exceed $10,000. Such remedy shall be in addition to any other remedy available under statutory or common law. Section 105(c)(2).

Commentary

Financial Disclosure Reports are public documents open for copying and inspection and will be maintained in the Financial Disclosure Office for six years, after which the reports will be destroyed unless there is an ongoing investigation. The Committee has held that by statute felons cannot be restricted from ready access to the Reports. Immediately upon mailing a copy of a filer's Report to the requestor, staff sends a courtesy letter of notification to the filer informing the filer that a proper request for a copy of filer's Report was received and that it is being made available.

Staff has been instructed to delete home addresses from Reports requested by the public.

The Instructions for completing Financial Disclosure Reports are made available to the public upon request. The fee for copying Reports can be waived only after a determination by the Committee that it is in the public interest and that the requestor is unable to pay (e.g., waiver of the copying fee for prisoners). Substantive inquiries from the press or other members of the public are handled by the Committee Counsel.

APPENDIX I

INITIAL REPORTS

WHO MUST FILE AND WHEN

Persons nominated to be JUDICIAL OFFICERS must file an initial Report within 5 days of the transmittal of their nomination by the President to the Senate. Section 101(b)(1).

Newly-appointed JUDICIAL EMPLOYEES must file an initial Report within 30 days of assuming their positions, Section 101(a), if they assume their position before November 1. Newly-appointed JUDICIAL EMPLOYEES who assume their positions between November 1 and December 31 must file an initial Report by March 15 of the subsequent year.

Judicial employees who receive a promotion or change in the rate of pay which results in pay equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule before November 1, must file an initial Report within 30 days of the promotion or pay change. If the promotion or pay adjustment occurs between November 1 and December 31, judicial employees must file an initial Report by March 15 of the subsequent year.

A JUDICIAL EMPLOYEE who is not expected to perform the duties of the office or position for more than sixty (60) days in a calendar year is not required to file an annual Report. However, if the person actually performs duties for more than sixty (60) days, an initial Report must be filed within fifteen (15) days of the sixtieth day. Section 101(h).

INSTRUCTIONS FOR COMPLETING EACH PART

Below are specific instructions that differ from those provided for annual Reports.

Identifying Information

BLOCK 3. **Date of Report.** For a JUDICIAL EMPLOYEE, a date that is no more than 30 days after your entry in the position if you entered before November 1. If you entered between November 1 and December 31, the "Date of Report" should be no later than March 15. For a person nominated to be a JUDICIAL OFFICER, the date should be no more than 5 days after submission of your nomination to the Senate.

BLOCK 5. **Report Type.** Check the appropriate report form and in the case of a nomination Report show the date your nomination was transmitted to the Senate.

BLOCK 6. **Reporting Period.** The beginning date (January 1 of the year preceding the year you assumed your office or were nominated) and the ending date (a date you choose that precedes the "Date of Report" by no more than 30 days).

I. Positions

The reporting period is the two calendar years preceding the date of the Report through the filing date in the current calendar year. Section 102(a)(6)(A).

III. Non-investment Income

The reporting period is the calendar year preceding the date of the Report and the year of filing. Section 102(b)(1)(A).

In addition, you must report compensation, other than from the United States Government, in excess of $5,000 in any of the two calendar years prior to the calendar year during which you file your first Report. Section 102(a)(6)(B).

You must include the identity of each source of such compensation and a brief description of the nature of the duties performed or services rendered by the reporting person for each source. Section 102(a)(6)(B).

You are not required to report any information which is considered confidential as a result of a privileged relationship, established by law between the reporting person and any person nor are you required to report any information with respect to any person for whom services were provided by any firm or association of which the reporting person was a member, partner, or employee unless the reporting person was directly involved in the provision of such services. Section 102(a)(6)(B).

IV. and V. Reimbursements and Gifts

You are not required to complete these Parts of the Report. Section 102(b)(1). Note "exempt" in these two spaces.

VI. Liabilities

The reporting period is the calendar year preceding the date of the Report through a date which is less than thirty-one days before the filing date. Section 102(b)(1)(B).

VII. Investments and Trusts

The reporting period for providing income information for assets is the calendar year preceding the date of the Report and the year of filing. Section 102(b)(1)(A). The reporting period for providing value information for assets is the calendar year preceding the date of the Report through a date which is less than thirty-one days before the filing date. Section 102(b)(1)(B). **You are not required to complete Subpart D "Transactions."** Section 102(b)(1). Note "exempt" in these two spaces.

APPENDIX II

FINAL REPORTS

WHO MUST FILE AND WHEN

A JUDICIAL OFFICER who works 60 days or more in a calendar year is required to file a final Report within thirty days after resigning under 28 U.S.C. § 371(a) or otherwise ceasing to continue in such position. A JUDICIAL OFFICER who retires under 28 U.S.C. § 371(b) is not required at that time to file a final Report, but continues to be obligated to file an annual Report for any year in which the relevant Judicial Council authorizes the employment by the judge of at least one law clerk or secretary, unless the judge certifies that he or she did not perform the duties of his or her office for more than sixty (60) days.

A JUDICIAL EMPLOYEE who works 60 days or more in a calendar year is required to file a final Report within thirty days of termination of employment. Section 101(e).

A JUDICIAL OFFICER OR JUDICIAL EMPLOYEE accepting another position in the Federal government subject to financial disclosure reporting is not required to file a final Report when changing position. Section 101(e).

INSTRUCTIONS FOR COMPLETING EACH PART

Below are specific instructions that differ from those provided for annual Reports.

Identifying Information

BLOCK 3. **Date of Report.** The date the Report is completed, and not more than 30 days after termination of employment.

BLOCK 5. **Report Type.** Check final Report.

BLOCK 6. **Reporting Period.** Show both the beginning and ending date of the reporting period. The beginning date will be January 1 of the current year if an annual Report has already been filed covering the preceding calendar year; otherwise, it will be January 1 of the preceding calendar year. The ending date is the date of termination of employment.

Parts I. - VII.

The reporting period is the calendar year preceding the date of the Report through the filing date in the current calendar year. Section 102(c). If an annual Report was already filed covering the preceding calendar year, then the reporting period is the current calendar year through the filing date.

APPENDIX III

REGULATIONS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES UNDER TITLE VI OF THE ETHICS REFORM ACT OF 1989 CONCERNING OUTSIDE EARNED INCOME, HONORARIA, AND OUTSIDE EMPLOYMENT

AUTHORITY: Ethics Reform Act of 1989, Pub. L. No. 101-194, §§ 601-603, 103 Stat. 1716, 1760-1763 (1989), as amended by Pub. L. No. 101-280, adding new §§ 501-505 to 5 U.S.C. app. 4; Pub. L. No. 101-650, Title III, § 319, adding new § 502(b) to 5 U.S.C. app. 4; Pub. L. No. 102-90, § 314(b), amending 5 U.S.C. app. 4, § 505(3); and Pub. L. No. 102-198, § 6, amending 5 U.S.C. app. 4, § 502(b). These regulations are promulgated by the Judicial Conference of the United States under the authority of 5 U.S.C. app. 4, § 503(3).

§ 1. Purpose and Scope.

(a) These regulations implement Title VI of the Ethics Reform Act of 1989, 5 U.S.C. app. 4, §§ 501-505, by prescribing:

(1) limitations (i) on the amount of outside earned income that certain officers and employees of the judiciary may receive and (ii) on the types of outside employment activities in which such officers and employees may engage; and

(2) a prohibition against the acceptance of honoraria for any appearance, speech, or article by certain officers or employees of the judiciary.

(b) Nothing in these regulations alters any other standards or Codes of Conduct adopted by the Judicial Conference of the United States.

(c) Any violation of any provision of these regulations will make the officer or employee involved subject to appropriate disciplinary action, which may be in addition to any penalty prescribed by statute or regulation.

§ 2. Definitions.

(a) A "judicial officer or employee" means any United States circuit judge, district judge, judge of the Court of International Trade, judge of the Court of Federal Claims, judge and special trial judge of the Tax Court, judge of the Court of Veterans Appeals, bankruptcy judge, magistrate judge, commissioner of the Sentencing Commission, and any employee or officer of the judicial branch other than a part-time magistrate judge, or an officer or employee of the Supreme Court of the United States or the Federal Judicial Center.

(b) A "covered senior employee" means an individual who is a noncareer officer or employee (defined for these purposes as the following officers and employees)

(1) circuit judges;

(2) district judges;

(3) judges of the Court of International Trade;

(4) judges of the Court of Federal Claims;

(5) judges and special trial judges of the Tax Court;

(6) judges of the Court of Veterans Appeals;

(7) bankruptcy judges;

(8) full-time magistrate judges;

(9) the commissioners and staff of the Sentencing Commission;

(10) the Director of the Administrative Office of the United States Courts;

(11) the Deputy Director of the Administrative Office of the United States Courts; or

(12) employees of the Administrative Office of the United States Courts appointed by the Director to a position exempted under the Administrative Office of the United States Courts Personnel Act of 1990, § 3(a)(5)(B), or to a position paid under 28 U.S.C. § 603;

and whose rate of basic pay is equal to or greater than

120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.

(c) The terms "judicial officer or employee" and "covered senior employee" set forth in sections 2(a) and (b), above, do not include any special government employee as defined in 18 U.S.C. § 202.

§ 3. Outside Earned Income Limitation.

(a) No covered senior employee may have outside earned income attributable to a calendar year which exceeds 15 percent of the annual rate of basic pay for Level II of the Executive Schedule under 5 U.S.C. § 5313 as of January 1 of that calendar year.

(b) "Outside earned income" means all wages, salaries, commissions, professional fees, and payments and compensation of any kind for services rendered or to be rendered by the covered senior employee, less the ordinary and necessary expenses paid or incurred in producing the income, provided, however, that the following shall not constitute outside earned income:

(1) Funds received for services rendered to or for the United States government and income attributable to service with the national guard;

(2) Pensions, annuities, deferred compensation (whether qualified or nonqualified) and other funds received for services rendered by the reporting individual before becoming a covered senior employee, or before January 1, 1991;

(3) Funds received from investments to the extent not attributable to significant personal services of the covered senior employee;

(4) Funds received from a business totally owned by the covered senior employee, or his or her family, as defined in Canon 5C(2) of the Code of Conduct for United States Judges, to the extent that such funds do not result from significant personal services of the covered senior employee;

(5) Royalties, fees, and their functional equivalent, from the use or sale of copyright, patent, and similar forms of legally recognized intellectual

property rights, when received from established users or purchasers of those rights;

(6) Anything of value earned or received for services rendered which is not includible as gross income in the relevant calendar year under controlling provisions of the Internal Revenue Code; and

(7) Compensation received by a senior judge for approved teaching under § 5(a)(5) if the senior judge --

(i) retired from regular active service under § 371(b) and is certified as having met the requirements of § 371(f) of title 28, United States Code; or

(ii) retired from regular active service on permanent disability under § 372(a) of title 28, United States Code.

(c) "Outside earned income" is attributed solely to the actual earner, even though under applicable community property law one-half of any personal service income earned by a covered senior employee may be deemed to belong to a spouse.

§ 4. Prohibition on Receipt of Honoraria.

(a) No judicial officer or employee shall receive any honorarium while that individual is a judicial officer or employee.

(b) "Honorarium" means a payment of money or anything of value (excluding or reduced by travel expenses as provided in 5 U.S.C. app. 4, §§ 505(3) and (4)) for an appearance, speech or article by a judicial officer or employee, provided that the following shall not constitute an honorarium:

(1) Payment for a series of related appearances, speeches or articles, provided that the subject matter is not directly related to the officer's or employee's official duties and that the payment is not made because of the officer's or employee's status with the Government.

(2) Compensation received for teaching activity, provided that in the case of covered senior employees such teaching activity is approved pursuant to Section 5 hereof.

(3) Awards for artistic, literary or oratorical achievement made on a competitive basis under established criteria.

(4) Compensation for any performance using an artistic, athletic, musical, or other skill or talent or any oral presentation incidental thereto, provided that the subject matter is not directly related to the officer's or employee's official duties and further provided that the opportunity is not extended because of the officer's or employee's official position.

(5) Compensation for any writing more extensive than an article.

(6) Compensation for works of fiction, poetry, lyrics, script or other literary or artistic works.

(7) A suitable memento or other token in connection with an occasion or article, provided that it is neither money nor of commercial value.

(c) Any honorarium which, except for subsection 4(a) hereof, might be paid to a judicial officer or employee, but which is paid instead on behalf of such officer or employee to a charitable organization described in section 170(c) of the Internal Revenue Code of 1986, shall be deemed not to be received by such individual for purposes of that subsection so long as such payment does not exceed $2,000 and is not made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any direct financial benefit separate from and beyond any general benefit conferred by the organization's activities. However, no payment may be made to a charitable organization under this subsection if the judicial officer or employee would be prohibited from receiving and retaining the honorarium by any applicable standards of conduct other than subsections 3(a) or 4(a) (for example, where an appearance, speech or article is prepared as part of official duties).

§ 5. Limitations on Outside Employment.

(a) No covered senior employee shall:

(1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation;

(2) permit the use of his or her name by any such firm, partnership, association, corporation, or other entity;

(3) practice a profession which involves a fiduciary relationship for compensation;

(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

(5) receive compensation for teaching, without the prior notification and approval as herein provided.

(b) "Teaching" in these regulations includes teaching a course of study at an accredited educational institution or participating in an educational program of any duration that is sponsored by such an institution and is part of its educational offering. Examples of the latter are a lecture, lecture series or symposia sponsored by a law school or college. Teaching also includes participation in continuing legal education programs for which credit is given by licensing authorities or programs which are sponsored by recognized providers of continuing legal education.

(c) A covered senior employee who obtains prior approval from the chief judge of the circuit, or in the case of the chief judge from the judicial council, may engage in part-time teaching for compensation. Covered senior employees of the Court of International Trade or the Court of Federal Claims shall obtain approval from the chief judges of those courts. Covered senior employees of the Tax Court shall obtain approval from the chief judge of the Tax Court. Covered senior employees of the Court of Veterans Appeals shall obtain approval from the chief judge of the Court of Veterans Appeals. Covered senior employees of the Sentencing Commission shall

obtain approval from the Chairman of the Sentencing Commission. Covered senior employees of the Administrative Office of the United States Courts must obtain approval from the Director of the Administrative Office.

(d) The procedures for obtaining prior approval of teaching activities are as follows:

(1) A request for approval for compensated teaching shall be made --

(A) prior to the commencement of any compensated teaching;

(B) during the performance of a previously approved teaching commitment, prior to any material increase in the compensation or the time required; and

(C) during the performance of a previously approved long-term teaching commitment, prior to the commencement of teaching in any new academic year (i.e., the Fall semester).

(2) A request for approval for compensated teaching shall state the institution for which the teaching will be done, the source and amount of compensation, and the time required, including travel. The requester shall represent that the proposed activity will be consistent with the relevant Code of Conduct.

(3) The chief judges of the circuits, the Court of International Trade, the Court of Federal Claims, the Tax Court, and the Court of Veterans Appeals shall approve or disapprove a request based on whether (i) the proposed activity will be consistent with the Codes of Conduct, (ii) the requester is current in his or her judicial work, and (iii) the proposed activity is unlikely to affect adversely the ability of the court in which the requester serves to conduct its operations efficiently. In the case of a request by the chief judge of the circuit, the judicial council of that circuit shall approve or disapprove the request. A request by the chief judge of the Court of Appeals for the Federal Circuit, the Court of International

Trade, the Court of Federal Claims, the Tax Court, or the Court of Veterans Appeals shall be approved or disapproved by majority vote of their respective courts. In the case of a covered senior employee of a district court, the chief judge of the circuit shall consult with the chief judge of the district court and, where appropriate, the chief judge of the bankruptcy court before making the decision. In the case of a senior judge, the chief judge shall make adjustments in the criteria for approval to take account of the senior judge's status and decreased work assignments.

(4) The decision by the chief judge may be appealed to the judicial council, or the Court of Appeals for the Federal Circuit, the Court of International Trade, the Court of Federal Claims, the Tax Court, or the Court of Veterans Appeals as appropriate. A majority vote to approve or disapprove the request shall be final.

(e) Reports of teaching requests and rulings covering the 12-month period ending June 30 shall be sent by chief judges or others authorized to approve such requests to the Judicial Conference Committee on Codes of Conduct by July 31 of each year. That committee shall monitor these submissions and report to the Judicial Conference.

§ 6. Advisory Opinions.

The Committee on Codes of Conduct of the Judicial Conference of the United States is authorized to render advisory opinions interpreting Title VI of the Ethics Reform Act of 1989 (5 U.S.C. app. 4, §§ 503(3), 504(b)) and these regulations. Any person covered by the Act and these regulations may request an advisory opinion by writing to the Chairman of the Committee on Codes of Conduct, in care of the Administrative Office of the United States Courts, Washington, D.C. 20544.

§ 7. Effective Date.

These regulations will become effective on January 1, 1991, if, but only if, the provisions of 5 U.S.C. app. 7, §§ 501, 502, 503, 504, and 505 are then in effect.

COMMENTARY

Judges and judicial employees who are covered by Codes of Conduct promulgated by the Judicial Conference of the United States may receive outside earned income, make speeches and appearances, write articles, and engage in extrajudicial activities only in conformity with the provisions of both the Codes of Conduct and these regulations.

Title VI of the Ethics Reform Act of 1989 (the Act) applies to officers and employees of the judicial branch. However, the Judicial Conference has delegated its administrative and enforcement authority under the Act for officers and employees of the Supreme Court of the United States to the Chief Justice of the United States and for employees of the Federal Judicial Center to its Board. For this reason, the definitions of "judicial officer or employee" and "covered senior employee" exclude the judicial officers and employees of the Supreme Court and the Center. For purposes of Title VI and these regulations, employees of the Tax Court and the Court of Veterans Appeals are employees of the judicial branch.

"Outside earned income" includes anything of value received in consideration for the provision of services by a covered senior employee with the exceptions specified in § 3(b). Under § 3(b)(5), the advance payment of permissible royalties, fees, or the functional equivalent thereof, is not outside earned income if it must be deducted from amounts that subsequently become payable. A covered senior employee may, under § 3(b)(6), determine outside earned income in a manner consistent with his or her income tax return, or may allocate any amount received in a calendar year over two or more years pursuant to a good faith allocation reflecting the work done. The outside earned income limitation that applies to an individual who becomes a covered senior employee during a calendar year is determined on a pro rata basis by dividing the annual income limitation by 365 and multiplying it by the number of days during that calendar year that the individual serves as a covered senior employee. Income earned before an individual becomes a covered senior employee is not subject to this limitation.

A covered senior employee, in planning for compliance with the limitation on outside earned income, may be required to estimate in advance income producing expenses for a calendar year. Should the actual expenses turn out to be less than anticipated, causing the outside earned income to exceed the statutory limitation, the requirements of § 3 are satisfied if the resulting excess is refunded to the payor promptly after the close of the year.

The Act prohibits a judicial officer or employee from accepting any "honorarium" and defines "honorarium" as "a payment of money or any thing of value for an appearance, speech or article (including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the Government)." The ban on the receipt of honoraria does not preclude a judicial officer or employee from accepting compensation for a series of thematically connected presentations, works, or articles not directly related to his or her official duties so long as the compensation is not being paid because of the individual's status with the judicial branch. Also, payments for artistic and literary works or performances generally are not considered honoraria and are excluded from the ban. Nor does the ban prohibit reimbursement of actual expenses such as typing, editing, and reproduction costs incurred in connection with an appearance, speech or article.

The general prohibition standing alone could be read to foreclose the receipt of compensation for appearances, lectures, and speeches in the context of a bona fide educational program. This was clearly not the intent of Congress, however, since Title VI specifically approves teaching for compensation by judicial officers and senior employees so long as an appropriate entity designated by the Judicial Conference gives prior approval to such teaching and so long as the compensation received, together with other outside earned income, does not exceed the 15% limit on outside earned income. (Compensation received by senior judges for teaching is excluded from the 15% limit on outside earned income if the judge retired from regular active service under 28 U.S.C. § 371(b) and is certified as having met the requirements of 28 U.S.C. § 371(f) or retired on permanent disability under 28 U.S.C. § 372(a).) Thus, the prohibition on receipt of honoraria does not foreclose teaching for compensation.

Compensation received from a law school for writing a law review article is an example of an honorarium. On the other hand, compensation received as the author or co-author of a bona fide legal treatise or book is an example of compensation for scholarly writing more extensive than an article and therefore is not an honorarium. Of course, compensation for writing more extensive than an article is excluded from the definition of an honorarium only if it is bona fide compensation for the writing, e.g., compensation received from an established publisher pursuant to usual and customary contractual terms.

The same rules apply whether the writing is legal or nonlegal, scholarly or otherwise. For example, compensation received for

writing a nonlegal article for a newspaper or magazine is an honorarium. On the other hand, compensation received as the author or co-author of a nonlegal book is not an honorarium.

The definition of a prohibited "honorarium" excludes a suitable memento or other token in connection with an occasion or article, provided it is neither money nor of commercial value. The test for commercial value is whether the memento would have commercial value in the hands of the recipient. Examples of suitable mementos include a plaque or letter opener. Examples of "other tokens" that are not honoraria include benefits incidental to attending the occasion or to the publication of an article such as food and beverages consumed, waiver of a registration fee, copies of publications containing articles, reprints of a law review article, a free subscription provided to the author of the article, or tapes of appearances or speeches and similar items that provide a record of the event.

The prohibition against practicing a profession that involves a fiduciary relationship includes the providing of legal, real estate, consulting and advising, insurance, medicine, architectural, or financial services when those services involve such a relationship. The prohibition does not apply to service by a covered senior employee as an executor or trustee of a family estate or trust as permitted by the Codes of Conduct where the covered senior employee does no more than provide the service that would be provided by a lay person in the same capacity. Compensation received for such services is subject to the 15 percent limitation on outside earned income.

Covered senior employees are required to notify the authority designated to grant approvals and obtain approval prior to engaging in compensated teaching activities. Further, during the performance of a previously approved teaching commitment, approval is required prior to any material increase in the compensation or the time required. Those who have previously secured approval for compensated teaching pursuant to a long-term contract must reapply for approval prior to the commencement of any new academic year.

The Act does not define "teaching." These regulations define it to include meaningful participation in bona fide components of an educational curriculum or plan, regardless of the duration or format of the particular program in which the covered senior employee participates. The statutory authority to "teach" for compensation thus includes permission to participate in the educational program of an accredited institution in the manner in which that institution plans and carries out its teaching function.

When speeches and lectures are sponsored by and presented within the overall educational program of an accredited institution, the Conference believes that they do not provide the occasion for any of the evils Congress was seeking to avert and accordingly, they should qualify as "teaching." Thus, a lecture, lecture series, symposia, moot courts, and jurist-in-residence programs may be compensated as "teaching," provided, of course, the strictures of the Codes of Conduct are met. Teaching may also include participation in programs sponsored by bar associations or professional associations or other established providers of continuing legal education programs for practicing lawyers. Participation in bar review courses or in the preparation and grading of bar examinations also qualifies as teaching.

The Codes of Conduct permit a covered senior employee to receive compensation for part-time teaching so long as (1) the compensation received is reasonable in amount and does not exceed that normally received by others for the same activity, (2) the source of the compensation does not give the appearance of impropriety, and (3) the teaching activity does not interfere with the performance of judicial duties. These requirements are continued as criteria for approval of teaching requests.

Covered senior employees who wish to participate in a symposium, lecture series, or other teaching activity of limited duration and receive compensation therefor must secure the same prior approval as those who teach conventional courses for compensation. No such approval is required for teaching when no payment is received or when payment is received only to reimburse the ordinary and necessary expenses incurred in providing the teaching services, such as travel, lodging, and meals for the covered senior employee and a relative accompanying him or her; such reimbursement of expenses is not "compensation." No prior approval is required for compensated teaching activity of an employee of the judicial branch whose basic pay is less than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.

In addition to the civil penalty provided in 5 U.S.C. app. 4, § 504(a), a judge covered by the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§ 332(d)(1), 372(c)) who violates these regulations shall be subject to discipline as provided in that Act and any other judicial officer or employee who violates these regulations shall be subject to discipline in accordance with existing customary practices.

Notes:

1. The "Regulations of the Judicial Conference of the United States under Title VI of the Ethics Reform Act of 1989 concerning Outside Earned Income, Honoraria, and Outside Employment" were adopted on August 15, 1990, by the Judicial Conference, through its Executive Committee.

2. At its March 1991 session, the Judicial Conference amended these regulations to exclude part-time magistrate judges from the ban against the receipt of honoraria.

3. The regulations were amended at the Judicial Conference's September 1991 session to cover the Tax Court and the Sentencing Commission and to make certain technical corrections.

4. The Judicial Conference amended these regulations at its March 1992 session to (a) cover judges and employees of the Court of Veterans Appeals, (b) reflect amendments to the Ethics Reform Act relating to the definition of "honorarium" and the exclusion from the limitation on outside earned income of compensation from approved teaching activities by certain senior judges, and (c) to clarify when and under what circumstances prior approval for compensated teaching activities must be obtained.

5. At its March 1994 session, the Judicial Conference amended the definition of Administrative Office employees who are included in the term "judicial officer or senior employee."

6. At its September 1994 session, the Judicial Conference amended the definition of outside earned income in section 3(a)(1) to exclude income from national guard service; revised section 4(b)(2) to clarify that the requirement for approval of teaching activities extends only to covered senior employees; revised the definition of an honorarium in subsections 4(b)(3), (4), and (6) to exclude compensation for various artistic and athletic endeavors; amended section 4(c) to clarify when honoraria may properly be donated to charitable organizations; and made additional editorial revisions. The Commentary was also revised.

7. The Judicial Conference added a new section 2(c), excluding special government employees from these regulations, at its March 1996 session.

I. Tax Treatment of Honoraria Donated to Charity

26 U.S.C. § 7701. Definitions.

(k) Treatment of certain amounts paid to charity.--In the case of any payment which, except for section 501(b) of the Ethics in Government Act of 1978, might be made to any officer or employee of the Federal Government but which is made instead on behalf of such officer or employee to an organization described in section 170(c)--

(1) such payment shall not be treated as received by such officer or employee for all purposes of this title and for all purposes of any tax law of a State or political subdivision thereof, and

(2) no deduction shall be allowed under any provision of this title (or of any tax law of a State or political subdivision thereof) to such officer or employee by reason of having such payment made to such organization.

For purposes of this subsection, a Senator, a Representative in, or a Delegate or Resident Commissioner to, the Congress shall be treated as an officer or employee of the Federal Government.

APPENDIX IV

REGULATIONS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES UNDER TITLE III OF THE ETHICS REFORM ACT OF 1989 CONCERNING GIFTS

AUTHORITY: Ethics Reform Act of 1989, Pub. L. No. 101-194, §§ 301 and 303, 103 Stat. 1716, 1745-1747 (1989), as amended by Pub. L. No. 101-280, amending 5 U.S.C. § 7351 and adding new § 7353 to 5 U.S.C. These regulations are promulgated by the Judicial Conference of the United States under the authorities of 5 U.S.C. §§ 7351(c), 7353(b)(1) and (d)(1)(C).

§ 1. Purpose and Scope.

(a) These regulations implement 5 U.S.C. §§ 7351 and 7353, which prohibit the giving, solicitation, or acceptance of certain gifts by officers and employees of the judicial branch and provide for the establishment of such reasonable exceptions to those prohibitions as the Judicial Conference of the United States finds appropriate.

(b) Nothing in these regulations alters any other standards or Codes of Conduct adopted by the Judicial Conference of the United States.

(c) Any violation of any provision of these regulations will make the officer or employee involved subject to appropriate disciplinary action.

§ 2. Definition of "Judicial Officer or Employee."

In these regulations, a "judicial officer or employee" means a United States circuit judge, district judge, judge of the Court of International Trade, judge of the Court of Federal Claims, judge and special trial judge of the Tax Court, judge of the Court of Veterans Appeals, bankruptcy judge, magistrate judge, commissioner of the Sentencing Commission, and any employee of the judicial branch other than an employee of the Supreme Court of the United States or the Federal Judicial Center.

§ 3. Definition of "Gift."

"Gift" means any gratuity, entertainment, forbearance, bequest, favor, the gratuitous element of a loan, or other similar item having monetary value but does not include: (a) modest items of food and refreshments, such as soft drinks, coffee and donuts, offered for present consumption other than as part of a meal; (b) greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation; (c) rewards and prizes given to competitors in contests or events, including random drawings, that are open to the public.

§ 4. Solicitation of Gifts by a Judicial Officer or Employee.

(a) A judicial officer or employee shall not solicit a gift from any person who is seeking official action from or doing business with the courts (or other employing entity), or from any other person whose interests may be substantially affected by the performance or nonperformance of the judicial officer or employee's official duties, including in the case of a judge any person who has come or is likely to come before the judge.

(b) A judicial officer or employee shall not solicit a contribution from another officer or employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an officer or employee receiving less pay than himself or herself. This paragraph does not prohibit a judicial officer or employee from collecting voluntary contributions for a gift, or making a voluntary gift, to an official superior for a special occasion such as marriage, anniversary, birthday, retirement, illness, or under other circumstances of ordinary social hospitality.

§ 5. Acceptance of Gifts by a Judicial Officer or Employee; Exceptions.

A judicial officer or employee shall not accept a gift from anyone except for --

(a) a gift incident to a public testimonial, books, tapes, and other resource materials supplied by publishers on a complimentary basis for official use, or an invitation to the officer or employee and a family member to attend a bar-related function or an activity devoted to the

improvement of the law, the legal system, or the administration of justice;

(b) a gift incident to the business, profession or other separate activity of a spouse or other family member of an officer or employee residing in the officer's or employee's household, including gifts for the use of both the spouse or other family member and the officer or employee (as spouse or family member), provided the gift could not reasonably be perceived as intended to influence the officer or employee in the performance of official duties or to have been offered or enhanced because of the judicial employee's official position;

(c) ordinary social hospitality;

(d) a gift from a relative or friend, for a special occasion, such as a wedding, anniversary or birthday, if the gift is fairly commensurate with the occasion and the relationship;

(e) a gift from a relative or close personal friend whose appearance or interest in a case would in any event require that the officer or employee take no official action with respect to the case;

(f) a loan from a lending institution in the regular course of business on the same terms generally available to persons who are not officers or employees;

(g) a scholarship or fellowship awarded on the same terms and based on the same criteria applied to other applicants; or

(h) in the case of a judicial officer or employee other than a judge or a member of a judge's personal staff, a gift (other than cash or investment interests) having an aggregate market value of $50 or less per occasion, provided that the aggregate market value of individual gifts received from any one person under the authority of this subsection shall not exceed $100 in a calendar year;

(i) any other gift only if:

(1) the donor has not sought and is not seeking to do business with the court or other entity served by the judicial officer or employee; or

(2) in the case of a judge, the donor is not a party or other person who has come or is likely to come before the judge or whose interests may be substantially affected by the performance or nonperformance of his or her official duties; or

(3) in the case of any other judicial officer or employee, the donor is not a party or other person who has had or is likely to have any interest in the performance of the officer's or employee's official duties.

§ 6. Additional Limitations.

Notwithstanding the provisions of section 5, no gift may be received by a judicial officer or employee in return for being influenced in the performance of an official act or in violation of any statute or regulation, nor may a judicial officer or employee accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe that the public office is being used for private gain.

§ 7. Disclosure Requirements.

Judicial officers and employees subject to the Ethics in Government Act of 1978 and the instructions of the Financial Disclosure Committee of the Judicial Conference of the United States must comply with the Act and the instructions in disclosing gifts.

§ 8. Advisory Opinions.

The Committee on Codes of Conduct of the Judicial Conference of the United States is authorized to render advisory opinions interpreting Title III of the Ethics Reform Act of 1989 (5 U.S.C. §§ 7351 and 7353) and these regulations. Any person covered by the Act and these regulations may request an advisory opinion by writing to the Chairman of the Committee on Codes of Conduct, in care of the Administrative Office of the United States Courts, Washington, D.C. 20544.

§ 9. Disposition of Prohibited Gifts.

(a) A judicial officer or employee who has received a gift that cannot be accepted under these regulations should return any tangible item to the donor, except that a perishable item may be given to an appropriate charity, shared within the recipient's office, or destroyed.

(b) A judicial agency may authorize disposition or return of gifts at Government expense.

COMMENTARY

All officers and employees of the judicial branch hold appointive positions. Title III of the Act thus applies to all officers and employees of the judicial branch. However, the Judicial Conference has delegated its administrative and enforcement authority under the Act for officers and employees of the Supreme Court of the United States to the Chief Justice of the United States and for employees of the Federal Judicial Center to its Board. For this reason, the definition of "judicial officer or employee" does not include every judicial officer or employee whose conduct is governed by Title III. For purposes of Title III and these regulations, employees of the Tax Court and the Court of Veterans Appeals are employees of the judicial branch.

These regulations do not repeal the gift provisions of the Codes of Conduct heretofore promulgated by the Judicial Conference. The scope of the gift provisions of the Codes exceeds that of these regulations and the statute, however, in that they impose certain responsibilities on an officer or employee with respect to the receipt of gifts by members of the officer's or employee's family residing in his or her household.

Section 5 of these regulations is based upon Canon 5C(4) of the Code of Conduct for United States Judges.

Reimbursement or direct payment of travel expenses, including the cost of transportation, lodging, and meals, may be a gift and, if so, its acceptance is governed by these regulations. A judge or employee may receive as a gift travel expense reimbursement for the judge or employee and one relative incident to the judge's attendance at a bar-related function or at an activity devoted to the improvement of the law, the legal system, or the administration of justice. A report of the payment of travel expenses as a gift or otherwise may be required on the Financial Disclosure Report.

A judge covered by the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§ 332(d)(1), 372(c)) who violates these regulations shall be subject to discipline as provided in that Act. Any other judicial officer or employee who violates these regulations shall be subject to discipline in accordance with existing customary practices.

Notes:

1. The "Regulations of the Judicial Conference of the United States Under Title III of the Ethics Reform Act of 1989 Concerning Gifts" were adopted on May 18, 1990, by the Judicial Conference, through its Executive Committee.

2. On August 15, 1990, the Judicial Conference, through its Executive Committee, amended these regulations to implement the prohibition against gifts to superiors as required by the Ethics Reform Act of 1989, 5 U.S.C. § 7351.

3. At its March 1991 session, the Judicial Conference amended these regulations to include procedures for requesting advisory opinions from the Committee on Codes of Conduct interpreting Title III and these regulations.

4. These regulations were amended by the Judicial Conference at its September 1991 session to cover the Tax Court and the Sentencing Commission, exclude compensation for teaching received by senior judges from the 15% cap on outside earned income, and make certain minor technical corrections.

5. The Judicial Conference amended these regulations at its March 1992 session to cover judges and employees of the Court of Veterans Appeals.

6. At its September 1994 session, the Judicial Conference renumbered these regulations and revised them to include a new definition of the term "gift;" a new section 4(a) prohibiting the solicitation of gifts; revised sections 4(b), 5(b), and 6 incorporating general limitations on the acceptance of gifts; a new section 5(h) permitting most employees to accept gifts of minimal value; and a new section 9 regarding the return or disposal of gifts that may not properly be accepted.

H. Limitations on Outside Earned Income and Employment

5 U.S.C. app. 4, §§ 501-505. Government-wide limitations on outside earned income and employment

§ 501. Outside earned income limitation

(a) Outside earned income limitation.--

(1) Except as provided by paragraph (2), a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year.

(2) In the case of any individual who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member or such an officer or employee which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member or such officer or employee during such calendar year and the denominator of which is 365.

(b) Honoraria prohibition.--An individual may not receive any honorarium while that individual is a Member, officer or employee.

(c) Treatment of charitable contributions.--Any honorarium which, except for subsection (b), might be paid to a Member,

officer or employee, but which is paid instead on behalf of such Member, officer or employee to a charitable organization, shall be deemed not to be received by such Member, officer or employee. No such payment shall exceed $2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

§ 502. Limitations on outside employment

(a) **Limitations.**--A Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule, or in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule shall not--

(1) receive compensation for affiliating with or being employed by a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship;

(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

(3) receive compensation for practicing a profession which involves a fiduciary relationship;

(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

(5) receive compensation for teaching, without the prior notification and approval of the appropriate entity referred to in section 503.

(b) **Teaching compensation of justices and judges retired from regular active service.**--For purposes of the limitation under section 501(a), any compensation for teaching approved under subsection (a)(5) of this section shall not be treated as outside earned income--

(1) when received by a justice of the United States retired from regular active service under section 371(b) of title 28, United States Code;

(2) when received by a judge of the United States retired from regular active service under section 371(b) of title 28, United States Code, for teaching performed during any calendar year for which such judge has met the requirements of subsection (f) of section 371 of title 28, United States Code, as certified in accordance with such subsection; or

(3) when received by a justice or judge of the United States retired from regular active service under section 372(a) of title 28, United States Code.

§ 503. Administration

This title shall be subject to the rules and regulations of--

(1) and administered by--

(A) the Committee on Standards of Official Con-duct of the House of Representatives, with respect to Members, officers, and employees of the House of Representatives; and

(B) in the case of Senators and legislative branch officers and employees other than those officers and employees specified in subparagraph (A), the committee to which reports filed by such officers and employees under title I are transmitted under such title, except that the authority of this section may be delegated by such committee with respect to such officers and employees;

(2) the Office of Government Ethics and administered by designated agency ethics officials with respect to officers and employees of the executive branch; and

(3) and administered by the Judicial Conference of the United States (or such other agency as it may designate) with respect to officers and employees of the judicial branch.

§ 504. Civil penalties

(a) Civil action.--The Attorney General may bring a civil action in any appropriate United States district court against any individual who violates any provision of section 501 or 502. The court in which such action is brought may assess against such individual a civil penalty of not more than $10,000 or the amount

of compensation, if any, which the individual received for the prohibited conduct, whichever is greater.

(b) Advisory opinions.--Any entity described in section 503 may render advisory opinions interpreting this title, in writing, to individuals covered by this title. Any individual to whom such an advisory opinion is rendered and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of such advisory opinion, acts in good faith in accordance with its provisions and findings shall not, as a result of such actions, be subject to any sanction under subsection (a).

§ 505. Definitions

For purposes of this title:

(1) The term "Member" means a Senator in, a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(2) The term "officer or employee" means any officer or employee of the Government except any special Government employee (as defined in section 202 of title 18, United States Code.

(3) The term "honorarium" means a payment of money or anything of value for an appearance, speech or article (including a series of appearances, speeches or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the Government) by a Member, officer or employee, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

(4) The term "travel expenses" means, with respect to a Member, officer or employee, or a relative of any such individual, the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.

(5) The term "charitable organization" means an organ-ization described in section 170(c) of the Internal Revenue Code of 1986.

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AO-10 Rev. 1/98

FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 1997

Report Required by the Ethics Reform Act of 1989, Pub. L. No. 101-194, November 30, 1989 (5 U.S.C. App. 4, 101-112)

1. Person Reporting *(Last name, first, middle initial)* Porteous (Jr.), Gabriel T.	2. Court or Organization United States District Court Eastern District of Louisiana	3. Date of Report 5/13/98
4. Title *(Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)* Active United States District Court Judge	5. ReportType (check appropriate type) ___ Nomination, Date _____ ___ Initial X Annual ___ Final	6. Reporting Period 1/1/97 - 12/31/97
7. Chambers or Office Address United States District Court 500 Camp St., C206 New Orleans, Louisiana 70130	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

[redacted]

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of Instructions.)*

	POSITION	NAME OF ORGANIZATION/ENTITY
X	NONE (No reportable positions.)	
1		
2		
3		

RECEIVED
MAY 15 2 29 PM '98
FINANCIAL DISCLOSURE OFFICE

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of Instructions.)*

	DATE	PARTIES AND TERMS
X	NONE (No reportable agreements.)	
1		
2		
3		

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of Instructions.)*

	DATE	SOURCE AND TYPE	GROSS INCOME (yours, not spouse's)
	NONE (No reportable non-investment income.)		
1	1997	State of Louisiana (Department of Employment Security) (S)	$
2			$
3			$
4			$
5			$

SC00227

HP Exhibit 103(a)

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
Porteous (Jr.), Gabriel T.	5/13/98

IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements received by spouse and dependent children, respectively. See pp. 25-28 of Instructions.)

	SOURCE	DESCRIPTION
[X]	NONE (No such reportable reimbursements.)	
1		
2		
3		
4		
5		
6		
7		

V. GIFTS.

(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate gifts received by spouse and dependent children, respectively. See pp. 29-32 of Instructions.)

	SOURCE	DESCRIPTION	VALUE
[X]	NONE (No such reportable gifts.)		
1			$
2			$
3			$
4			$

VI. LIABILITIES.

(Includes those of spouse and dependent children; indicate, where applicable, person responsible for liability by using the parenthetical "(S)" for separate liability of the spouse, "(J)" for joint liability of reporting individual and spouse, and "(DC)" for liability of a dependent child. See pp. 33-35 of Instructions.)

	CREDITOR	DESCRIPTION	VALUE CODE*
[X]	NONE (No reportable liabilities.)		
1			
2			
3			
4			
5			
6			

[redacted]

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
Porteous (Jr.), Gabriel T.	5/13/98

VII. Page 1 INVESTMENTS and TRUSTS – income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)*

☐ NONE (No reportable income, assets, or transactions.)									
1 Fidelity Investments Fidelity Management Trust-IRA	E	Distrib.	K		None				
2 Noble Drilling Corp. Common Stock		None	J		None				
3 Oberweis FDS Emerging Growth Mutual Fund		None	J		None				
4									
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13									
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15									
16									
17									
18									

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	Porteous (Jr.), Gabriel T.	5/13/98

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

IX. CERTIFICATION.

In compliance with the provisions of 28 U.S.C. § 455 and of Advisory Opinion No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge after reasonable inquiry, I did not perform any adjudicatory function in any litigation during the period covered by this report in which I, my spouse, or my minor or dependent children had a financial interest, as defined in Canon 3C(3)(c), in the outcome of such litigation.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. 4, § 501 et. seq., 5 U.S.C. § 7353 and Judicial Conference regulations.

Signature _____ Date 5/13/98

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. App. 4, § 104.)

Financial Disclosure Report

Filing Instructions for Judicial Officers and Employees

Financial Disclosure Office
Administrative Office of the U.S. Courts
One Columbus Circle, N.E., Suite 2-301
Washington, D.C. 20544
202-273-4626
January 2, 1998

HP Exhibit 103(b)

Major Changes to Financial Disclosure Instructions for 1997

There are few substantive changes from last year's filing requirement. However, the Instructions concerning the reporting of individual assets contained in brokerage accounts, trusts, estates, and IRAs have been further clarified, especially for filers listing a position as executor, trustee, or similar position in Part I of the report.

The Committee continues to find it difficult to close reports that attach financial statements in lieu of completing Part VII, Investments and Trusts, of the Financial Disclosure Report (AO Form 10). Such reports often fail to provide the required information and lack a consistent and uniform format necessary for Committee review. Moreover, they often provide confidential information that is not required, such as account numbers, Social Security numbers, and home addresses. Accordingly, each filer should ensure that the appropriate entries concerning investments and trusts are entered in Part VII of their Financial Disclosure Report (AO Form 10).

Specific changes and their page numbers are listed below:

1. Part IV, Reimbursements of Transportation, Lodging, Food, and Entertainment, page 25, has been clarified, so that this part deals exclusively with reimbursements of travel related expenses reporting person, spouse, and dependent children. There are no substantive changes with respect to the items to be reported or how they will be reported.

2. Part V, Gifts, page 29, has been clarified, so that this part deals exclusively with gifts received by the reporting person, spouse, and dependent children. There are no substantive changes with respect to the items to be reported or how they will be reported.

3. The reporting requirements for investment clubs in Part VII, page 51, have been clarified as follows:

> *Report the holdings and sources of income from private investment clubs or investment partnerships. In these arrangements, the basic rule is that the income, value, and transactions of the holdings of any investment club or similar arrangement in which you, your spouse, or dependent child have a beneficial interest must be reported if the investment club or partnership had ownership of any asset having a value of $1,000 at the end of the reporting period, regardless of the value of your, your spouse, or dependent child's individual share. Your listing of assets requires the completion of Columns A, B, and C for each asset owned by the investment club having a value in excess of $1,000 and the completion of Column D for any club transaction in excess of $1,000.*

SECURITY ISSUES

Every filer should be aware that the Ethics Reform Act of 1989 makes your Financial Disclosure Report a **PUBLIC DOCUMENT**. This means that a person seeking to harm or harass you and your family can get a copy of your Financial Disclosure Report. There have been instances of such misuse of information provided by filers.

The Committee makes the following recommendations so that you can satisfy the requirements of the Ethics Reform Act while accommodating appropriate security concerns:

(1) When filing your report, enter your CHAMBERS OR OFFICE ADDRESS in block 7. Do NOT use your home address for any purpose in connection with your Financial Disclosure Report.

(2) In Part VII, do NOT provide more financial detail than is required by the Instructions. For example, for bank accounts, provide only the name of the institution and the city and state in which it is located. For certificates of deposit, provide only the name of the institution that issues the certificate. For rental properties, provide only the city (or county) and state in which the property is located. If you have more than one rental property in a particular location, you may identify the properties as "Rental Property #1, Cincinnati, Ohio," "Rental Property #2, Cincinnati, Ohio," and so on.

(3) It is not necessary to report your personal residence or residences in Part VII (unless a portion of your residence is rented to a third party). Similarly, do not report any mortgage, equity loan, or line of credit secured by a personal residence, vehicle, boat, or motor home in Part VI.

(4) In addition, some filers wish to provide their federal income tax return. Paradoxically, this method provides too much information, and at the same time not enough information. The tax return shows interest and dividends in Schedule B and sales of assets in Schedule D in specific detail, but it does not provide the protection of the income and value codes and does not include lists of your current holdings. Therefore, a tax return does not meet the requirements of the Ethics Reform Act.

If your Financial Disclosure Report is requested, you will be notified by mail when it is released. If you have any concerns or questions about the release of your report, please call the Financial Disclosure Office at (202) 273-4626 or discuss the matter with your Marshal.

FINANCIAL DISCLOSURE INSTRUCTIONS FOR JUDICIAL OFFICERS AND EMPLOYEES

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INTRODUCTION

Three types of Financial Disclosure Reports--initial, annual, and final--are required by the Ethics Reform Act of 1989, published in Title 5 of the United States Code Annotated, Appendix 4, Sections 101-112.

These Instructions govern the preparation and filing of AO Form 10, which is to be used by judicial officers and employees for all Reports due after January 1, 1998. The body of the Instructions covers reporting requirements for annual Reports, which in some cases also apply to initial and final Reports. Where requirements for initial and final Reports differ from the annual reporting requirements, specific information can be found in Appendices I and II, respectively, of these Instructions.

The Act requires that the Committee on Financial Disclosure review each Report to assure that, on the basis of the information provided, the reporting person is in compliance with applicable laws and regulations. Section 106(b)(1). The Committee also reviews reports to determine potential conflicts of interest or ethical problems.

Questions concerning the reporting requirements (and suggestions for improving the AO Form 10 or these Instructions) should be addressed to: Committee on Financial Disclosure, Administrative Office of the United States Courts, One Columbus Circle, N.E., Suite 2-301, Washington, D.C. 20544.

WHO MUST FILE, WHEN AND WHERE

JUDICIAL OFFICERS AND JUDICIAL EMPLOYEES are required to file an annual Report by May 15 following each calendar year in which they performed their duties for more than sixty (60) days. Section 101(d). Filing before the due date is encouraged to ease the burden on members of the Committee on Financial Disclosure who review the Reports, as required by the Act.

JUDICIAL OFFICERS are defined in the Act as the Chief Justice and Associate Justices of the Supreme Court, and the judges of United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of International Trade, Tax Court, Court of Federal Claims, Court of Veterans Appeals, United States Court of Appeals for the Armed Forces, and any court created by an Act of Congress, the judges of which are entitled to hold office during good behavior. Section 109(10).

A JUDICIAL EMPLOYEE is any employee, other than a JUDICIAL OFFICER of the judicial branch of Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Veterans Appeals, or of the United States Court

of Appeals for the Armed Forces, who

(a) is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, e.g., bankruptcy judges and magistrate judges; or

(b) who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.

Section 109(8).

Persons whose obligation to file Reports may vary from year to year, e.g., a senior judge, or recalled bankruptcy judge or magistrate judge who may perform more than 60 days of service in one year but not in another, should certify their exempt status to the Committee on Financial Disclosure by May 15th, if they are exempt from filing for the prior year. This will avoid an inquiry from the Committee concerning failure to file. When they file their next Reports, they should explain any apparent inconsistencies resulting from the "gap" between the two reporting periods.

For information on who must file initial and final Reports, and when they must be filed, see Appendices I and II, respectively.

Commentary

The General Counsel of the Administrative Office has determined that the term "basic pay" within the definition of a judicial employee does not include locality pay or geographic cost-of-living allowance (COLA) received by some employees in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands. Geographic COLAs are considered additional allowances for the cost of living rather than part of the basic rate of pay. Similarly, there is no express statutory authority permitting court employees to receive locality pay. Payment is based upon the Director of the Administrative Office's authority to set compensation and is treated in the same manner that locality pay is treated in the Executive Branch, which does not consider locality pay as a part of basic pay.

In addition, the Committee has held that the "rate of basic pay" to be used to determine whether a reemployed annuitant who is not authorized to perform adjudicatory functions must file a Report does not include the annuity. Part-time employees without adjudicatory functions are deemed to satisfy the filing threshold if the money earned meets the statutory minimum. Thus, the "rate of basic pay," rather than total pay, should be used to determine the need to file a Report.

A part-time magistrate judge whose annual salary level is less than 16.4% of the salary of a full-time magistrate judge will normally perform the duties of his or her office for less than sixty-

one (61) days each year and accordingly is not required to notify the Committee of his or her exempt status.

Extensions of Time to File

The Committee on Financial Disclosure may grant reasonable extensions of time for filing initial, annual, and final Reports. Requests for extension should be submitted in writing to the Committee before the due date and should explain why the extension is necessary. The maximum extension permitted by the Act is 90 days. Section 101(g).

Emergency requests for extension may be made by telephone to the Committee staff if the reason for the request could not have been reasonably anticipated. A letter confirming the request should be sent promptly to the Committee. A letter confirming the oral response will be sent promptly by the Committee.

Commentary

The authority to grant an extension has been delegated to the Committee Counsel by the Committee.

Filing Fee

The statute requires a person to file a timely Report. One who files a Report more than thirty (30) days after the date the Report was due may be assessed a filing fee of $200.00. If for good reason it is necessary to request a delay in filing, extensions of time of up to 90 days may be granted by the Committee on Financial Disclosure. The statute states that extensions beyond 90 days are not permissible. Absent a waiver, those granted a full 90 day extension will have to pay the fee if they do not file by the 120th day. Section 104(d)(1).

The Committee may waive the filing fee for extraordinary circumstances. Requests for waivers must be submitted in writing to the Committee with explanation of the reason(s) the Report was not filed on time. Section 104(d)(2).

Commentary

When a Report is filed more than 30 days after the date it is due, the filer is assessed a late filing fee of $200. The fee is deposited in the United States Treasury. If a filer requests a waiver of the fee due to extraordinary circumstances, the Committee has delegated the authority to approve waivers involving failure of the postal system or physical incapacity of the filer to the Subcommittee on Compliance. Requests for waiver of the fee for any other "extraordinary circumstance" require a decision by the Committee as a whole. Please note, that Reports are deemed to have been filed five (5) days prior to physical receipt for the purpose of determining whether the Report has been timely filed.

Where to File

Effective January 1, 1991, the original and three copies of the Report, and of any amendments (including amendments in response to letters of inquiry) are to be filed with:

Committee on Financial Disclosure
Administrative Office of the United States Courts
One Columbus Circle, N.E., Suite 2-301
Washington, D.C. 20544

Section 103(h)(1)(B).

The additional copies of the Report may be made by photocopying the original, rather than by retyping or using carbons.

Commentary

Reports are not considered to have been received unless they are physically received in the Financial Disclosure Office and contain an original signature. Reports will be date stamped as soon as they are received by the Financial Disclosure Office. Reports sent to the Financial Disclosure Office by facsimile or other electronic means are not considered to be received until a copy with an original signature is received.

Amendments

A Report may be amended by filing an amended AO Form 10 for that year, fully explaining items added to, or changed from, the original submission.

Alternatively, additional information may be submitted by a separate letter addressed to the Committee. You should identify the Report(s) and Part(s) being corrected and provide complete information for the item(s) being corrected. Sign the letter personally, which will constitute your certification to the accuracy and completeness of the Report(s) as amended.

Regardless of which method is used, you should file amendments in the same manner as for the original, i.e., a signed original and three copies with the Committee.

Commentary

Self-initiated amendments will be certified in the same manner as an original Report. Each reviewer will complete block 8 on the AO Form 10 for each amendment as amended.

Waivers

The Committee may grant a request for a waiver of any reporting requirement for one who is expected to perform the duties of the office or position less than one hundred and thirty (130) days in a calendar year, but only if the Committee determines that:

(1) the person is not a full-time employee of the Government;

(2) the person is able to provide services specially needed by the Government;

(3) it is unlikely that the person's outside employment or financial interests will create a conflict of interest; and

(4) public financial disclosure by the person is not necessary under the circumstances.

Any request for such a waiver must be directed in writing to the Committee with a detailed explanation of the facts upon which the Committee can make the determinations required under the Act. All such requests are available to the public. Section 101(i).

GENERAL INSTRUCTIONS

The Report should be legible. Its format has been designed to be completed on most typewriters. The name of the person and date of the Report should appear on each page. Financial Disclosure Report software is available upon request from the Office of the Committee.

"None" Box

Parts I through VII of the Report must be completed. If you have no reportable items in any of these parts, do not simply leave it blank or mark it as "N/A," but instead mark the "None" box as an affirmative declaration of the fact.

Disclosure Concerning Family Members

A reporting person is required to disclose financial information concerning a spouse and dependent children, and the form is designed for inclusion of this information. Section 102(e)(1). The requirement to disclose trust information for a spouse and dependent children only when a beneficial interest exists is found on pages 50 and 51. The Act does not require disclosure of the financial interests of other family members, nor is it required with respect to a spouse who is living separate and apart with the intention of terminating the marriage or permanently separating. Section 102(e)(2).

The Act defines a dependent child as a "son, daughter, stepson, or stepdaughter . . . who--
(A) is unmarried and under age 21 and is living in the household of the reporting person; or
(B) is a dependent of the reporting person within the meaning of section 152 of the Internal Revenue Code of 1986." (26 U.S.C. § 152)
Section 109(2).

When reporting information about a spouse or dependent children, add the parenthetical "(S)" or "(DC)" to signify the person(s) to whom it relates. The parenthetical "(J)" should be used to signify an item jointly held or owned by you and your spouse.

Extra Pages; Attachments

If more space is needed for any Part than is provided on the form, make the additional entries on a new page and include it as a numbered attachment. The identifying information (name and date of Report) must appear on each attachment page. If you make these entries on other than a photocopy of a page from the form, make sure that the Part being continued is indicated and that all the required information is given.

Alternative Format For Reporting

The computer program available from the Administrative Office provides an acceptable format for reporting.

It is permissible in exceptional circumstances to provide the required information in any Part of the Report in an alternative format but only upon a specific written determination by the Committee that such alternative reporting is acceptable. Those wishing to use alternative formats should seek permission to do so by writing to the Committee stating in detail the format to be used, why the request is being made, and whether it is for the current Report only or for future Reports, as well. All information submitted must be in a format easily reconciled with prior Reports. Section 102(b)(2)(A).

In the absence of permission to use an alternative format, no extrinsic reports or documents may be used as substitutes for disclosure on the AO Form 10 as provided. This limitation is necessary to avoid additional burdens that would occur in the review process if a variety of documents, with different formats and often with extraneous information, were permitted.

Reconciliation with Prior Reports

Each Report should be complete in itself. No information may be adopted by reference to prior Reports. If letters approving a specific transaction, position, or agreement have been received from the Committee, or if the Committee on Codes of Conduct has approved particular conduct or actions, a copy of the letter of approval should be attached to each Report to avoid a letter of inquiry.

Compare the information on your current Report with that in the prior Report to assure that each is complete and correct.

To assist the Committee during the review process, list items in each Part of the Report in the same order as shown in the prior Report (placing any new items at the bottom of the list or of the appropriate subdivision of the list).

Personal Information

AO-10
Rev. 1/98

FINANCIAL DISCLOSURE REPORT

FOR CALENDAR YEAR 1997

Report Required by the Ethics Reform Act of 1989, Pub. L. No. 101-194, November 30, 1989 (5 U.S.C. App. 4, 101-112)

1. Person Reporting *(Last name, first, middle initial)* Smith, John B.	**2. Court or Organization** U.S. District Court, North Dakota	**3. Date of Report** April 16, 1998
4. Title *(Article III Judges indicate active or senior status; Magistrate Judges indicate full- or part-time)* U.S. District Judge - Senior Status	**5. Report type (check appropriate type)** ___ Nomination, Date _____ ___ Initial _X_ Annual ___ Final	**6. Reporting Period** January 1, 1997 - December 31, 1997
7. Chambers or Office Address U.S. Courthouse 44 West 32nd Street Fargo, North Dakota 58107	**8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.** Reviewing Officer _____ Date_____	

[redacted]

Notes to filer:

____ *Are blocks 1 through 7 filled in?*

____ *Does block 4 show your status?*

____ *Does block 5 indicate the type of report?*

____ *Does block 6 cover the correct reporting period?*

Commentary

Blocks 1 through 8 of the heading to the report should be filled in as indicated:

Block 6. Reporting Period.	*The following entry should be made for Annual Reports: January 1, 1997-December 31, 1997.*
Block 8. Certification.	*Reviewing official will sign and date this block when the report is complete. The front page of the AO-10 with the reviewing judge's original signature will be returned to the Financial Disclosure Office for permanent filing.*

Certification by the reviewing judge or committee counsel, as reviewing officials, certifies that the information in the report, any amendments, or attached correspondence has been disclosed in accordance with applicable laws and regulations. The reviewing official has the authority to approve the report as submitted, direct that a letter of inquiry be sent, or waive an error as de minimis and approve the report. The reviewing official can also approve a report and direct that an advisory letter be sent to provide the filer with guidance for future reports. All letters of inquiry are prepared for the Chair's signature on Committee letterhead stationery. The Chair has authority to revise or waive a letter of inquiry and approve a report.

INSTRUCTIONS FOR COMPLETING EACH PART

I. Positions

Only information pertaining to the reporting person is required in this Part.

In this Part a complete listing is required of all positions held by the reporting person as an officer, director, executor, administrator, trustee, guardian, custodian, or similar fiduciary, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. Disclose your position even if you are not compensated and even if neither you nor a member of your family has any financial interest in the entities herein listed. Please note that positions held are reported in this Part while assets owned or held are reported in Part VII. **You need not report any positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature. Section 102(a)(6)(A).**

In completing this Part, for annual Reports, the reporting period consists of the calendar year preceding the date of the Report, and the time to the date of the Report. Section 102(a)(6)(A). For initial and final Reports, refer to Appendices I and II, respectively, of these Instructions.

An interest as a limited partner in an investment partnership, if you have no managerial responsibilities, reflects assets held or owned, but not a position held. The position as such a limited partner need not be reported in Part I, but the interest must be disclosed in Part VII.

For Article III judges, bankruptcy judges, and magistrate judges, the Codes of Conduct for United States Judges specify additional constraints on the positions that may be held. See especially Canon 5. Part-time magistrate judges are governed by special rules as provided in 28 U.S.C. § 632(b) and the Guide to Judiciary Policies and Procedures, Volume II, Chapters I and III.

Additional information--e.g., an opinion from the Committee on the Codes of Conduct, or approval from a Judicial Council--that bears on the question whether a position presents a potential conflict of interest problem or problem under the Code of Conduct for United States Judges should be provided in Part I or Part VIII or on an attached page.

If you did not hold any reportable positions at any time during the reporting period, check the "None" box rather than leaving Part I blank.

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of Instructions.)*

POSITION	NAME OF ORGANIZATION/ENTITY
☐ NONE (No reportable	
1 Director	Fargo Boys Club
2 Trustee	John Smith III Trust
3	

Notes to filer:

____ *Do you have any reportable positions ? If not, is the NONE box checked?*

____ *Did you provide the full name of the position and the organization?*

____ *Does the position appear to represent a conflict of interest?*

____ *Does the position require a listing of assests in Part VII?*

Commentary

In completing this Part, the reporting period is not always consistent with the reporting period delineated in Block 6 of the heading. For annual reports the reporting period consists of the calendar year of the Report and the current year up to the date of the report.

The positions a filer can hold are normally determined by the filer's status. Each category is affected by the Canons and statutes governing the creation and duties of the position held. Examples are as follows:

Judges

A judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties. "Member of the judge's family means any relative of a judge by blood, adoption, or marriage or any other person treated by a judge as a member of the judge's family." (Canon 5D.)

The duties of a co-trustee, even if nominal, are fiduciary in nature. Canon 5D would seem to rule out service as fiduciary for other than a trust for a member of the judge's family. Even service as a fiduciary for other than a member of the family, covered by the Canon's section on "Effective Date of Compliance," and amended, for federal judges, by action of the Judicial Conference at its April 1973 meeting, seems to contemplate a relationship with an individual. In any event, such a relationship should be terminated unless a substantial interest of the estate or person would thereby be jeopardized. (Advisory Opinion No. 33.)

A judge who, before ascending the bench, served as an executor of the estate of a nonfamily member, or as trustee of a nonfamily trust may, with the approval of the judicial council of the circuit, continue in that capacity if resignation would cause undue hardship to the estate and its beneficiaries, but may not receive compensation for such service. (Compendium § 5.1-3(a) (1997).)

Note: A judge may serve as a part-time special lecturer in law or as a faculty member at a law school. It is necessary for the judge to obtain advance approval from the chief judge of the circuit, or in the case of the chief judge from the judicial council, before engaging in teaching activity. The normal restrictions on extra judicial compensation apply; the compensation must be reasonable in amount, no greater than a similarly situated non-judge would receive for the same service; the 15% cap on outside earned income is applicable; and the payments must be included in Part III of the Report. The teaching duties should not in any way interfere with the performance of judicial duties.

If a judge fails to obtain prior approval of teaching, the approving chief judge has authority to approve teaching for compensation nunc pro tunc if satisfied that the failure was occasioned by excusable neglect, the application would have been approved if timely filed, and other criteria for approval are satisfied. If circumstances do not justify nunc pro tunc approval, the judge's only recourse is to refund the compensation. (Compendium § 35.7 (1997).)

In a partnership engaged in real estate investment, a judge may have a passive investment as a general partner. Canon 5C(2) prohibits active business participation.

Note: In the case of partnerships, the Report should clearly reflect the purpose and the assets of the business, including the percentage owned by the filer. If the partnership owns or trades in securities, individual stocks and transactions should be reported in Part VII.

It is permissible for a judge to be an uncompensated officer or director of a business wholly owned by members of the judge's family. (Compendium § 5.2-3(c)(1997).)

Under Canon 5C(I) a judge may manage investments, etc., but the judge should not personally manage or operate any business, including a farm or ranch. This would not preclude the judge's participation in decisions with respect to the purchase, sale and use of land, the purchase of equipment and supplies, or the sale of farm produce or livestock from a farm or ranch which the judge owns but is operated by a farm manager or hired hand. (Advisory Opinion No. 30.)

A judge may serve as a member of the board of directors of a nonprofit social club, or a nonprofit club whose object is to promote an interest in and to enlighten its membership on important governmental, economic and social issues, provided that (a) the club does not engage in partisan politics and (b) the judge does not take positions on issues which would embarrass the judge in the exercise of judicial duties. (Advisory Opinion No. 15.)

A judge may serve on the board of trustees of a university foundation (no fund-raising involved). (Compendium § 5.3-3(b)(1997).)

Senior judges designated in 5 U.S.C. app. 4, § 502(b), (justices and senior judges) are excluded from the 15% cap on compensation received from approved teaching. Even if the Ethics Reform Act is satisfied, provisions of the Code of Conduct for United States Judges must also be satisfied.

Part-time Magistrate Judges

Part-time United States magistrate judges render such service as judicial officers as is required by law. While so serving they may engage in the practice of law, but may not serve as counsel in any criminal action in any court of the United States, or act in any capacity that is inconsistent with the proper discharge of their office. Within such restrictions, they may engage in any other business, occupation, or employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. § 632(b).)

Judicial Employees

a. No covered senior employee, as defined in the "Regulations of the Judicial Conference of the United States Under Title VI of the Ethics Reform Act of 1989 Concerning Outside Earned Income, Honoraria, and Outside Employment," Guide to Judiciary Policies and Procedures, Volume II, Chapter VI, Part H, shall:

(1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation;

(2) permit the use of his or her name by any such firm, partnership, association, corporation, or other entity;

(3) practice a profession which involves a fiduciary relationship for compensation;

(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

(5) receive compensation for teaching, without the prior notification and approval as herein provided.

Note: Senior employees of the Court of International Trade or the Court of Federal Claims must obtain approval from the chief judges of those courts. Senior employees of the Tax Court must obtain approval from the chief judge of the Tax Court. Commissioners and senior employees of the Sentencing Commission shall obtain approval from the Chairman of the

Sentencing Commission. Senior employees of the Administrative Office of the United States Courts must obtain approval from the Director of the Administrative Office.

b. Judicial Employees. A judicial employee may engage in such activities as civic, charitable, religious, professional, educational, cultural, avocational, social, fraternal, and recreational activities, and may speak, write, lecture, and teach. If such outside activities concern the law, the legal system, or the administration of justice, the judicial employee should first consult with the appointing authority. (Code of Conduct for Judicial Employees, Canon 4A.)

c. Federal Public Defenders. A defender employee should not engage in the private practice of law. Notwithstanding this prohibition, a defender employee may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the defender employee's family, so long as such work does not interfere with the defender employee's primary responsibility to the defender office. (Code of Conduct for Federal Public Defender Employees, Canon 5D.)

II. Agreements

Only information pertaining to the reporting person is required in this Part.

In this Part a complete listing is required of any agreement with respect to:

(a) future employment;

(b) a leave of absence during Government service;

(c) continuation of payments by a former employer other than the United States; and

(d) continuing participation in an employee welfare or benefit plan maintained by a former employer.

Report the date, parties, and terms of the agreement. Section 102(a)(7).

For all Reports, show any such agreements currently in force.

Any additional information--e.g., an opinion from the Committee on Codes of Conduct, or approval from a Judicial Council--that bears upon the question whether an agreement presents a potential conflict of interest problem or problem under the Codes of Conduct for United States Judges should be provided in Part II or on an attached page.

If you did not have any reportable agreements during the reporting period, check the "None" box, rather than leaving Part II blank.

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of Instructions.)*

	DATE	PARTIES AND TERMS
☐	**NONE** (No reportable agreements)	
1	1997	Jones & Smith Retirement Plan with former law firm, no control
2		
3		

Notes to filer:

____ *Do you have any reportable agreements? If not, is the NONE box checked?*

____ *Did you list the date, parties, and terms of the agreement?*

____ *Is the agreement permissible?*

Commentary

Continuation of payments by a former employer other than the United States

It is permissible for judges to receive appropriate payment for their interests in a law firm and compensation for legal services they rendered before becoming judges. (Compendium § 2.7(a)(1997).)

A termination of partnership agreement provides for payment of an agreed amount representing the retiring partner's interest and some of these payments can be paid in years following the partner's appointment as a United States judge. (Advisory Opinion No. 24.)

The Committee on Codes of Conduct is of the opinion that when a partner leaves a law firm to become a federal judge, he should, if possible, agree with his partners on an exact amount which he will receive for his interest in the firm, whether that sum is to be paid within the year or over a period of years. (Id.)

Such payments may continue to be made to the judge, provided it is clear (1) that he is not sharing in profits of the firm earned after his departure, as distinguished from his sharing in amount representing the fair value of his interest in the firm, including the fair value of his interest in fees to be collected in the future for work done before he left the firm, and (2) the judge does not participate in any case in which his former firm or any partner or associate thereof is active as counsel until the full amount which he may be entitled to receive under the agreement has been paid to him. (Id.)

In addition, it is permissible for the departing judge to share in contingent fees received at the end of litigation, provided a fixed percentage or fixed ceiling is agreed upon, and reasonably reflects the value of services previously rendered by the departing judge. While it is permissible for a judge to share in future contingent fees, the judge should first attempt to reach agreement with his former partners on a fixed sum. (Compendium § 2.7(b) and (b-1)(1997).)

Continuing participation in an employee welfare or benefit plan maintained by a former employer

A judge should recuse in all cases involving members of the former law firm where the judge has left a retirement account in the former law firm's profit sharing trust. If there are frequent recusals, the judge should withdraw the account if feasible. (Compendium § 5.2-4(a) and (a-1)(1997).)

When, long after the judge's departure, additional assets are discovered which should have been transferred to the judge at the time of his departure (e.g. delayed refund under a health insurance plan), there is no ethical impediment to the judge's receipt of the appropriate distribution. (Compendium § 2-7(e)(1997).)

A judge who is a participant in a law firm's KEOGH plan has a financial interest in all of the corporations whose stock is owned by the plan, and must keep informed of the plan's investments, unless the plan is a common fund. (Compendium § 3.1-1(i)(1997).)

A law firm's KEOGH plan or 401 (k) plan which is managed by the firm or a small number of participants, and for which the judge has ready access to investment information does not qualify for the "common fund" exception. However, a law firm's retirement qualifies for the "common fund" exception where 1) the interest is indirect (due to the number of participants and the size and diversity of investments, 2) directed investment by participants is not available, and 3) the participants do not know about a fund's portfolio. (Compendium § 3.1-3(c).)

Other Employment

Part-time United States magistrates render such service as judicial officers as is required by law. While so serving, they may engage in the practice of law and, within certain restrictions, engage in any other employment which is not consistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. § 632.)

A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge: (1) is not required to comply with Canons 5C(2), D, E, F, and G, and Canon 6C; (2) except as provided in the Conflict-of-Interest Rules for Part-time Magistrate Judges, should not practice law in the court on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves, or act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.

A judge should require law clerks to keep the judge reasonably informed of their future employment plans as required by the Code of Conduct for Law Clerks. A law clerk should have no involvement whatsoever in pending matters handled by a prospective employer when an offer of employment has been made to the law clerk and has been, or may be, accepted by the law clerk. (Advisory Opinions Nos. 74 and 81.)

III. Non-investment Income

Information pertaining to the reporting person and the spouse, as noted, is required in this Part.

A. General Non-investment Income

In this Part report non-investment income from whatever source, including but not limited to these items: compensation for services, including fees, commissions, etc.; income derived from business; royalties; annuities; income from life insurance and endowment contracts; and fixed benefits from vested pension plans. Amounts reported should be net income, except for income derived from a business, can be listed as net or gross, and indicated as such. Section 109(7). Dividends on life insurance policies not held in whole or in part as an investment or for the production of income need not be reported.

Report the source, type, amount or value, of income from any source aggregating $200 or more in value. Honoraria are treated differently. Section 102(a)(1)(A). See Part III B. below. See below for specific exemptions.

For spouses, report the source of items of earned income from any person which exceeds $1,000 and the source and amount of any honoraria which exceed $200. If the spouse is self-employed in business or a profession, the nature of such business or profession should be reported. Section 102(e)(1)(A).

To indicate that income was earned by your spouse (and hence that the amount need not be shown), add to the identification the parenthetical "(S)."

You are not required to disclose in Part III the following:

- compensation for current employment by the United States. Section 102(a)(1)(A).
- income that from a single source did not aggregate $200 or more during the reporting period. Section 102(a)(1)(A).
- the amount of the spouse's "earned income", or any information about that "earned income" that from a single source did not aggregate more than $1,000 during the reporting period. Section 102(e)(1)(A).
- any information about dependent children's non-investment income. Section 102(e)(1)(A).

- information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation or with respect to any income or obligations arising from the dissolution or permanent separation. Section 102(e)(2).

- any political campaign funds, including campaign receipts. Section 102(g).

- income derived from any retirement system under title 5, United States Code (including the Thrift Savings Plan under Subchapter III of Chapter 84 of such title) or any other retirement system maintained by the United States for officers or employees of the United States. Section 102(i)(1).

- benefits received from Social Security. Section 102(i)(2).

- death benefits under insurance policies, gifts, inheritances, tort recoveries and other compensation for injuries and sickness, disability compensation, and veteran's benefits.

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of Instructions)*

	DATE	SOURCE AND TYPE	GROSS INCOME (Yours, not spouse's)
☐	NONE (No reportable non-investment income)		
1	1997	Evans County School District (S)	$
2	July 1997	Idaho Law School, Seminar (3 weeks)	$ 3,500
3			$

Notes to filer:

____ *Do you have any reportable non-investment income over $200.00?*

____ *Does your spouse have any reportable non-investment income over $1000.00?*

____ *If no reportable income, is the NONE box checked?*

____ *Is the date, source, type, and amount for your reportable income reported? If spouse's income, is the parenthetical "(S)" placed in the column under Source and Type?*

____ *Is the income subject to the 15% limitation ($20,040) for 1997?*

____ *Is the income an honorarium or reported as such?*

Commentary

Although various types of non-investment income have been listed, some elaboration on several sources of income may be useful to provide a clearer distinction between non-investment and investment income.

No income should be disclosed in this part if it is derived from an investment asset that should be reported in Part VII. Sources of royalty payments include publications and oil, gas, and mineral interests. It should be noted that an interest in the real property from which these oil, gas, or mineral interests are derived should be disclosed in Part VII like any other investment property. Annuities and any other types of retirement income should be reported if they represent defined benefits from a vested pension plan. Retirement income from IRAs or other investment funds that varies due to the performance of the individual assets should be reported in Part VII since it represents income from an investment asset.

Ordinarily, income from life insurance policies need not be reported because most insurance policies are not held as investments or for the production of income. Policy dividends that reduce premiums or provide additional or paid-up insurance are not treated as income. Dividends or other income from life insurance policies, received in excess of $200, which are reportable for income tax purposes, should be disclosed in this part. Several types of insurance policies that probably require reporting are "universal," "variable life," or "universal variable life."

Special attention will be given to the review of nomination and initial Reports. The filer must report compensation, other than from the United States Government, in excess of $5,000 in any of the two calendar years prior to the calendar year during which a first Report is filed.

B. Outside Employment and Honoraria

Special attention should be given to regulations relating to Outside Employment and Honoraria at Appendix III.

Covered Senior Employees

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, covered senior employees, other than justices of the United States who retired from regular active service under Section 371(b) of title 28, United States Code; judges of the United States who retired from regular active service under Section 371(b) of title 28, United States Code and who have met the requirements of subsection (f) of Section 371(b) of title 28, United States Code, as certified in accordance with such subsection; and,

justices and judges of the United States who retired from regular active service under Section 372(a) of title 28, United States Code, who receive compensation for teaching, are prohibited from:

- Receiving more than 15% of the pay rate for Executive Level II in earned income from outside employment if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant (See 5 U.S.C. § 5313 for the pay rate for Executive Level II). 5 U.S.C. app. 4 § 501(a)(1). Those covered by the provisions of this Act for only a portion of a year, must pro-rate the 15% on the basis of the number of days the person will actually work in that calendar year. 5 U.S.C. app. 4, § 501(a)(2).

- Being affiliated with or being employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation, serving for compensation as an officer or member of the board of any association, corporation, or other entity. 5 U.S.C. app. 4, § 502.

- Receiving compensation for teaching without prior notification and approval from the appropriate official, if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant. See Section 5 of Appendix III for the procedures for requesting approval. 5 U.S.C. app. 4, § 502.

NOTE: Covered senior employees are defined by Judicial Conference approved regulations as all judicial officers (except for part-time magistrate judges), commissioners and staff of the Sentencing Commission, the Director and Deputy Director of the Administrative Office of the United States Courts, and senior employees of the Administrative Office of the United States Courts serving at the pleasure of the Director (Schedule C status).

Judicial Officers and All Employees

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, all judicial officers and all employees of the judicial branch are prohibited from accepting honoraria for any "appearance, speech, or article." Actual and necessary travel expenses incurred by the person and one relative are not deemed to constitute honoraria. 5 U.S.C. app. 4, § 501(b).

- No Judicial officer or employee of the judicial branch (except for part-time magistrate judges), may accept honoraria, but a payment may only be made on behalf of such officer or employee to a charitable organization in lieu of the honorarium, so long as the payment does not exceed $2,000, and is not made to a charitable organization from which the filer or the filer's parent, sibling, spouse, child, or dependent relative derives any financial benefit. 5 U.S.C. app. 4, § 501(b) and (c). In such instances, the filer should report the source, date, and amount of payments made to charitable organizations in lieu of honoraria and shall simultaneously file with the Committee on Financial Disclosure, on a confidential basis, a corresponding list of recipients of all such payments together with their dates and amounts. Section 102(a)(1)(A).

C. General Provisions

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(1)(A). For initial and final Reports, see Appendices I and II, respectively, for the appropriate reporting periods.

If neither you nor a spouse had any reportable income during the reporting period, check the "None" box rather than leaving Part III blank.

Commentary

Contained within these Instructions and Appendix III are detailed instructions and regulations relating to limitations imposed on certain judicial officers and employees with respect to certain types of outside employment and income. Several important guidelines need to be emphasized for the benefit of the reviewing official.

Covered senior employees (defined in the cited appendix) are prohibited from receiving more than 15% of the pay rate for Executive Level II (currently $133,600) in earned income from outside employment. The limitation for 1997 is $20,040. However, senior judges who receive compensation for teaching, part-time magistrate judges, officers and employees of the Supreme Court, and employees of the Federal Judicial Center are exempted as to teaching income and are not restricted to this outside income limitation.

In addition, all judicial officers and all employees of the judicial branch (except for part-time magistrate judges) are prohibited from accepting honoraria for any "appearance, speech, or article." Any filer listing honoraria will be questioned for clarification and may eventually be referred to the Committee on Codes of Conduct for an advisory opinion.

Frequently, difficulty arises for the reviewing official and staff auditor concerning what constitutes outside earned income (which is attributed solely to the filer and not to the spouse). The following lists common examples of compensated activities which are subject to the calendar year income limitation, less the ordinary and necessary expenses paid or incurred in producing the income:

(1) teaching,
(2) serving as trustee of a family trust or executor of a family estate, and
(3) writing.

In addition, the following common examples do not constitute outside earned income and have no limitations imposed on the filer:

(1) pensions, annuities, and deferred compensation for services rendered prior to becoming a judicial officer or senior employee,
(2) investment funds,
(3) funds received from a family owned business,
(4) publication royalties, fees, and their functional equivalent, and
(5) compensation received by a senior judge for teaching.

Advisory Opinion Number 86, "Honoraria, Teaching, and Outside Earned Income Limitation," provides detailed interpretation on these issues and may serve as a helpful guideline. In addition, the following are summaries contained in Compendium, Sections 31-35 (1997), concerning recent advice given by the Committee on Codes of Conduct in response to confidential inquiries:

Outside Earned Income Limitation

(1) Where service as a family fiduciary involves work performed over several years but fee is paid in a single year, it is consistent with the statute and regulations for the judge, in applying the 15% cap, to allocate the amount of the fee over the several years. (Compendium § 33.1(a) (1997).)

(2) Flat fee of $250 received by judge from a publisher for writing a chapter in a publisher's treatise is not excludable from the definition of outside earned income. The payment is a fixed and unconditional cash payment for a manuscript that is wholly unrelated to the sales or distribution of the publication. Thus, the fee is subject to the 15% cap. (Compendium § 33.2-5(a) (1997).)

(3) Where judge serves as editor-in-chief of a law journal and receives a royalty of 15% of the net cash receipts from the sale of the publication, the amount is considered a royalty and thus not subject to the 15% cap. (Compendium § 33.2-5(b) (1997).)

(4) Outside earned income is attributed solely to the actual earner regardless of community property laws. (Compendium § 33.3 (1997).)

Prohibition on Receipt Of Honoraria

(1) It is a violation of the statute and regulations for a law clerk to write an article for compensation during clerkship even though publication of the article and receipt of the honorarium occur after the clerkship ends. (Compendium § 34(a) (1997).)

(2) Fee for performing wedding is not an honorarium. However, a judge is barred from accepting additional compensation for performing judicial activities. (Compendium § 34.1(a) (1997).)

(3) Reimbursement of travel expenses for judge and one relative does not constitute an honorarium. (Compendium § 34.1(b) (1997).)

(4) Where a judge's paper for a continuing legal education program was later published and later still won $3000 cash award at sponsor's annual award program, the award is not a payment for the speech or article and thus not an honorarium. An after-the-fact award based on merit for scholarly work is an award in recognition. (Compendium § 34.1(d) (1997).)

(5) Compensation for teaching a seminar for prospective law students and preparation of course materials does not constitute an honorarium. (Compendium § 34.1-2(d) (1997).)

(6) Fee received by judge as editor-in-chief of a law journal is not an honorarium, but rather compensation for a writing more extensive than an article. (Compendium § 34.1-3(a) (1997).)

Limitations On Outside Employment

(1) Serving as a fiduciary of a family estate or trust as permitted by Canon 5D of the Codes of Conduct does not constitute practicing a profession involving a fiduciary relationship. (Compendium § 35.3(a) (1997).)

(2) Service for compensation as editor-in-chief of a bankruptcy law journal is not the equivalent of being an officer or member of the board of an entity, and thus is not barred by this section. (Compendium § 35.4(a) (1997).)

(3) A judge cannot receive compensation for service as family fiduciary where the trust directs the operating policy of a charity because that would be the functional equivalent of serving as an officer or member of the board of directors. However, it is acceptable for the judge to serve as family fiduciary charged only with duties normally exercised by a family fiduciary. Compensation received is subject to the 15% cap. (Compendium § 35.4(b) (1997).)

(4) A judge's status as partner of a family partnership or shareholder of a family corporation is not the equivalent of serving as officer or member of the board of an entity, and thus the financial return to the judge as partner or shareholder is not prohibited. (Compendium § 35.4(c) (1997).)

(5) Where a judge failed to obtain prior approval of teaching, Chief Judge has authority to approve teaching for compensation nunc pro tunc if satisfied that the failure was occasioned by excusable neglect, the application would have been approved if timely filed, and other criteria for approval are satisfied. If circumstances do not justify nunc pro tunc approval, the judge's only recourse is to refund the compensation. (Compendium § 35.7(a) (1997).)

IV. Reimbursements of Transportation, Lodging, Food, Entertainment

Information pertaining to the reporting person and a spouse and dependent children, as noted, is required here.

In this Part report information about reimbursements received by you, your spouse and dependent children, exclusive, however, of any items received by them totally independent of their relationship to you. Sections 102(a)(2)(A) and (C); and 102(e)(1)(C) and (D). For initial Reports, there are separate rules for completing this Part, found at Appendix I of these Instructions.

A reimbursement means any payment or other thing of value, other than gifts, to cover travel related expenses. Section 109(15).

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(2)(B). For final Reports, see Appendix II for the appropriate reporting period.

In this Part, provide:

the identity of the source and a brief description (including location, dates, and nature of expenses provided) of reimbursements received from any source aggregating $250 or more in value. Section 102(a)(2)(B).

You are not required to report in Part IV:

- food, lodging, or entertainment received from a relative. Section 102(a)(2)(A).
- food, lodging, or entertainment received as personal hospitality. Section 102(a)(2)(A).
- reimbursements received by your spouse and dependent children, independently of their relationship to you. Section 102(e)(1)(C) and (D).
- reimbursements received in a period when you were not an officer or employee of the Federal Government. Section 102(h).
- food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States, the District of Columbia, or a state or local government or political subdivision thereof; food and beverages not consumed in connection with a gift of overnight lodging; Section 109(5).

- reimbursements provided by the United States, the District of Columbia, or a state or local government or political subdivision thereof; required to be reported under 5 U.S.C. § 7342; or required to be reported under 2 U.S.C. § 434. Section 109(15).

Relative means one who is related to the reporting person, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting person, and shall be deemed to include the fiance or fiancee of the reporting person. Section 109(16).

Personal hospitality means hospitality extended for a nonbusiness purpose by one, not a corporation or organization, at the personal residence of that person or his family or on property or facilities owned by that person or family. Section 109(14).

Use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements received by your spouse and dependent children, respectively.

Beginning on January 1, 1991, in accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, officers and employees are prohibited from soliciting or accepting anything of value from a person seeking official action from, doing business with, or whose interests would be substantially affected by, the performance or nonperformance of official duties. 5 U.S.C. § 7353. This prohibition applies to all reimbursements and gifts covered in Parts IV and V of the Financial Disclosure Report.

If you, your spouse, and your dependent children did not receive any reimbursements reportable in Part IV, check the "None" box rather than leaving Part IV blank.

IV. REIMBURSEMENTS --transportation, lodging, food, entertainment.
(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements received by spouse and dependent children, respectively. See pp. 25-28 of Instructions.)

	SOURCE	DESCRIPTION
☐	**NONE** (No such reportable reimbursements)	
1	Staley Foundation	June 15 - Haymarket, VA, meeting (lodging, food,
2		
3		

Notes to filer:

____ *Do you, your spouse, or any dependent child have any reportable reimbursements? If not, is the NONE box checked?*

____ *Did you identify the source of the reimbursement, and provide a brief description including location, dates, and nature of expenses?*

____ *Can the reimbursement be accepted by you, your spouse, or dependent child?*

Commentary

The following opinions issued by the Committee on Codes of Conduct provide guidance on issues associated with this part.

Attendance of judges and their spouses as guests at bar association dinners is proper, and a judge may accept reimbursement for the judge's or the judge's spouse's travel and hotel expenses to attend such a dinner sponsored by lawyer organizations even when the judge does not speak or render other services at the function. (Advisory Opinion No. 17.)

It is permissible for a judge to attend, and accept hospitality at bar association events and meetings of other organizations devoted to improvement of the law, legal system, or the administration of justice. With respect to attendance at cocktail parties hosted by law firms in connection with bar meetings, judicial conferences, and the like, there is no impropriety in a judge accepting such invitations in the absence of reason to believe that such attendance will reasonably reflect unfavorably on the judge's impartiality or is likely to be exploited by the law firm. (Advisory Opinion No. 17.)

It is permissible for judges to attend bar association events such as receptions where a legal publishing firm has donated the hors d'oeuvres and beverages to the bar association. It is not appropriate, however, for a group of judges or judicial personnel to allow a legal publishing firm or other vendor doing business with their court to donate food and beverages for a meeting of the judges or judicial employees. (Compendium § 2.9(a) (1997).)

Although mere attendance (along with others similarly situated) without paying a registration fee would not create an appearance of impropriety, it would create an appearance of impropriety for employees of the Administrative Office to accept from a legal publishing firm a gift of transportation, lodging and meals in connection with a professional training program sponsored by the firm. (Compendium § 2.9(b) (1997).)

It would create an appearance of impropriety for a judge to permit a for-profit company to host a reception following the judge's investiture, where the judge had no pre-existing

relationship with the company, would not otherwise have been required to recuse, and the circumstances would convey the impression that the company was in a special position to influence the judge. (Canon 2B and Compendium § 2.10(c) (1997).)

It is permissible for a judge to be the guest of honor at a public dinner arranged by former law clerks, attended by lawyers and other members of the public, as well as the law clerks. The law clerks should make clear on the invitations and other papers relating to the dinner, not only the fact that the dinner is sponsored solely by present and former law clerks, but that the amount paid by other attendees is solely to cover the cost of the dinner, that no fund-raising activity is involved, and that no part of the amount paid for the dinner will be employed in the purchase of a gift for the honoree. (Compendium § 5.4-5(c) (1997).)

A judge participating as a faculty member in a two-week seminar of general interest organized on a nonprofit basis and financed by tuition and subsistence payments by nonfaculty attendees may accept reimbursement for the judge's and the judge's spouse's travel and subsistence expenses. (Advisory Opinion No. 3.)

A judicial employee may receive compensation and reimbursement of expenses for outside activities provided that receipt of such compensation and reimbursement is not prohibited or restricted by this Code, the Ethics Reform Act, and other applicable law, and provided that the source or amount of such payments does not influence or give the appearance of influencing the judicial employee in the performance of official duties or otherwise give the appearance of impropriety. Expense reimbursement should be limited to the actual cost of travel, food and lodging reasonably incurred by a judicial employee. (Code of Conduct for Judicial Employees, Canon 4E.)

V. Gifts

Information pertaining to the reporting person and the spouse and dependent children, as noted, is required in this Part.

In this Part report information about gifts other than transportation, lodging, food or entertainment aggregating $250 or more in value received by you, your spouse and dependent children from any source other than a relative during the preceding calendar year. Gifts from separate sources with a fair market value of $100 or less need not be aggregated to determine if the $250 reporting threshold has been met. Section 102(a)(2)(A).

A gift is a payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor. Section 109(5).

If you have been extended an honorary membership in an organization and you avail yourself of the privileges, rights, etc., to a substantial degree, and the dues are in excess of $250 a year, you must report the honorary membership in this Part.

You are not required to disclose information about:

- gifts received from a relative. Section 102(a)(2)(A).
- gifts received by a spouse and dependent children, totally independent of their relationship to you. Section 102(e)(1)(C).
- gifts received in a period when you were not an officer or employee of the Federal Government. Section 102(h).
- gifts that are bequests and other forms of inheritance. Section 109(5)(A).
- communications to the offices of a reporting person, including subscriptions to newspapers and periodicals. Section 109(5)(E).
- suitable mementos of a function honoring the reporting person. Section 109(5)(B).

Use the parentheticals "(S)" and "(DC)" to indicate gifts received by your spouse and dependent children, respectively.

If you, your spouse, and your dependent children did not receive any gifts reportable in Part V, check the "None" box rather than leaving Part V blank.

For the definition of relative, refer to Part IV of these Instructions.

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(2)(A). For initial and final Reports, see Appendices I and II, respectively, for the appropriate reporting period and rules.

V. GIFTS. *(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate gifts received by spouse and dependent children, respectively. See pp.29-32 of Instructions.)*

☐ **NONE** (No such reportable gifts)

	SOURCE	DESCRIPTION	VALUE
1	Former Law Clerks	Painting - 20th Anniversary on Bench	$ 325.00
2	The Executive Club	Honorary Membership (dues, like privileges)	$ 1200.00
3			$

Notes to filer:

___ *Do you, your spouse, or any dependent child have any reportable gifts other than transportation, lodging, food, or entertainment? If not, is the NONE box checked?*

___ *Did you list the identity of the source, a description of the gift, and the actual dollar value?*

___ *Can the gift be accepted?*

Commentary

If stock is listed as a gift, the stock should also be reported in Part VII, Investments and Trusts.

The value of a gift is shown by a dollar amount, not by a value code.

If the gift is from an individual, the individual must be specifically named. It is not acceptable to identify the source of the gift as "boyfriend," "girlfriend," "friend," or "significant other."

The following opinions issued by the Committee on Codes of Conduct provide guidance on issues associated with this part.

Investitures and Similar Ceremonies

(a) It is permissible for a judge to accept a gavel and a $500 gift from a former client on the occasion of the judge's investiture. (Compendium § 5.4-2(a) (1997).)

(b) It is permissible for a judge to accept a gavel and a contribution toward the cost of the reception from a local bar association on the occasion of the judge's investiture. (Compendium § 5.4-2(b) (1997).)

(c) It is permissible for a judge to accept leather notebook and pen from Law Institute as a memento of a judge's presentation. (Compendium § 5.4-2(c) (1997).)

Gifts on Special Occasions

(a) A judge may accept a gift of a trip aboard a cruising ship (costing about $1500) on the occasion of his 20th anniversary as a United States judge where the donees consist exclusively of persons who have worked directly with him (i.e., law clerks, secretaries, courtroom deputies, and court reporters), there are a sufficient number of donees that no individual contribution to the gift is unusually large, and the judge is not made aware of the amounts contributed by the respective donees. (Compendium § 5.4-7(a) (1997).)

(b) On occasion of taking senior status, judge may accept gift from law clerks of golfing trip. (Compendium § 5.4-7(b) (1997).)

(c) It is not improper for former law clerks to solicit funds from other law clerks to establish scholarship in honor of retiring judge. The Judge and present law clerks should not solicit. (Compendium § 5.4-7(c) (1997).)

Miscellaneous Gift Rulings

(a) It is permissible to accept books from West Publishing Company for official use. (Compendium § 5.4-Z(a) (1997).)

(b) It is permissible for a judge's children to accept scholarships awarded on the same terms and based on the same criteria applied to other applicants. (Compendium § 5.4-Z(b) (1997).)

(c) Gifts from a friend not prohibited where friend not likely to ever appear in judge's court. (Compendium § 5.4-Z(c) (1997).)

Honorary/Reduced-Rate Memberships

(a) It is permissible for a judge to accept a free membership in a country club, including a waiver or reduction in the initiation fee, or to accept a free or reduced membership in a YMCA if it is customary in that community, similar privileges are extended to other public officials, the interests of the organizations have not and are not likely to come before the judge, and the judge is satisfied that the membership is not being used by the organization to promote its endeavors. (See Advisory Opinion No. 47.)

(b) It is permissible for a judge to accept a free membership in the "American Board of Trial Advocates," the organization being devoted to the improvement of the law. (Compendium § 5.4-1(b) (1997).)

(c) It is permissible to accept free membership in a local bar association. (Compendium § 5.4-1(c) (1997).)

VI. Liabilities

Information pertaining to the reporting person, spouse, and dependent children is required in this Part.

In this Part list all of your, your spouse's and dependent children's liabilities to any creditor other than a spouse, parent, brother, sister, or child, which exceeded $10,000 at any time during the reporting period. Sections 102(a)(4) and 102(e)(1)(E).

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(4). For initial and final Reports, see Appendices I and II, respectively, for the appropriate reporting periods.

In this Part, list the identity and category of value of each liability. The identity includes the name of the creditor and a description of the liability. Section 102(a)(4). To assist the reviewer, liabilities should be listed in the same order as in the previous Report.

The category codes for the amount owed as of the end of the reporting period are shown on the Report and are as follows:

J -	$15,000 or less	P1 -	$1,000,001 to $5,000,000
K -	$15,001 to $50,000	P2 -	$5,000,001 to $25,000,000
L -	$50,001 to $100,000	P3 -	$25,000,001 to $50,000,000
M -	$100,001 to $250,000	P4 -	more than $50,000,000
N -	$250,001 to $500,000		
O -	$500,001 to $1,000,000		

Section 102(d)(1).

The reporting requirement relates to obligations that at any time during the reporting period exceeded $10,000, but the amount to be shown by the category code is the amount owed as of the end of the reporting period.

In the creditor section, indicate, where applicable, the person responsible for the liability with the parenthetical "(S)" for separate liability of spouse, "(J)" for joint liability of the reporting person and spouse, or "(DC)" for liability of a dependent child.

You are not required to report:

- any liability owed to a spouse, parent, brother, sister, or child. Section 102(a)(4).

- any mortgage secured by real property which is a personal residence of you or your spouse. Section 102(a)(4)(A).

- any loan secured by a personal motor vehicle, household furniture, or appliances that does not exceed the purchase price of the item securing the liability. Section 102(a)(4)(B).

- any information with respect to a spouse living separate and apart from you with the intention of terminating the marriage or providing for permanent separation or with respect to any income or obligations arising from the dissolution of the marriage or permanent separation. Section 102(e)(2).

- any revolving charge account whose balance did not exceed $10,000 as of the close of the preceding calendar year.

- political campaign funds, including campaign receipts and expenditures. Section 102(g).

- any liability which is the sole liability or responsibility of the spouse or child; which is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of investments and trusts, see the Instructions for Part VII.

If you, your spouse, and your dependent children did not have any reportable liabilities, check the "None" box rather than leaving Part VI blank.

VI. LIABILITIES. *(Includes those of spouse and dependent children; indicate, where applicable, person responsible for liability by using the parenthetical "(S)" for separate liability of the spouse, "(J)" for joint liability of reporting individual and spouse, and "(DC)" for liability of a dependent child. See pp. 33-35 of Instructions.)*

	CREDITOR	DESCRIPTION	VALUE CODE*
☐	**NONE** (No reportable liabilities)		
1	Old National Bank	Credit Card	L
2	NationsBank	Mortgage on Rental Prop. #1, Alexandria, VA (Pt VII, line 2)	M
3			

Notes to filer:

____ *Do you, your spouse, or dependent child have any reportable liabilities over $10,000?*

____ *Did you list the identity of the creditor, a description of the liability, and a value code for the amount?*

____ *If a mortgage is listed, is there a corresponding entry for the property in Part VII?*

Q: When you own a percentage of the asset – do you report only your % as the value in Col. C or your % of the whole?

VII. Investments and Trusts

Information pertaining to the reporting person, spouse, and dependent children is required in this Part.

1. General

In this Part a complete listing is required of reportable assets owned by the reporting person, spouse, and dependent children. **Each asset must be individually listed and identified except as may be specifically provided otherwise (see Part 6 Trusts below).** Bank or brokerage house reports are not acceptable for compliance with these reporting requirements unless they succinctly contain all necessary information without requiring the reader to perform calculations or select out necessary data from a larger body of information. For initial Reports, there are separate rules for completing this Part, found at Appendix I of these Instructions.

Report assets held during the preceding calendar year in a trade or business, or for investment or the production of income, which have a fair market value in excess of $1,000 at the end of the year or from which you received income in excess of $200 during the preceding calendar year. Sections 102(a)(3) and 102(a)(1)(B).

You are not required to report:

- Investments in the Thrift Savings Plan. Section 102(i)(1)(A).
- Any property, real or personal, not held in a trade or business, or for investment or the production of income. As examples, you need not report a private residence or personal automobiles. Section 102(a)(3).
- Any personal liability owed to you, your spouse, or dependent children by a spouse, or by a parent, brother, sister, or child of you or your spouse. Sections 102(a)(3) and 102(e)(1).
- Accounts in a financial institution (any form of deposit in a bank, savings and loan association, credit union or similar financial institution), unless the aggregate amount of income for all an individual's income producing accounts at the institution for the reporting year is in excess of $200, or the aggregate value at the end of the reporting year of all such income producing accounts is more than $5,000. If either condition is met, each such account must be separately reported. Sections 102(a)(1)(B) and 102(a)(3).
- Asset information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation. Section 102(e)(2).

- Political campaign funds, including campaign receipts and expenditures. Section 102(g).

- In Part VII, information associated with property which is the sole financial interest or responsibility of the spouse or child; which is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of liabilities, see the Instructions for Part VI.

To help reporting persons in instances where a position held in an economic entity may have a bearing on reporting requirements, the following should be used as guidance:

> When a Financial Disclosure Report contains information reflecting a filer's interest in a partnership or other business enterprise, the filer must disclose the assets held by the business entity if a filer can direct, influence or in any other manner affect the purchase, exchange, sale or disposition of the entity or property owned by the entity, or when the filer can influence policy decisions which affect the purchase, exchange, sale or disposition of the entity or of property which it owns.

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(1)(B). For final Reports, see Appendix II for the appropriate period.

If you, your spouse, and your dependent children did not have assets subject to reporting, check the "None" box rather than leaving Part VII blank.

Commentary

Investment income is to be contrasted with earned income. The crucial factor is the filer's services. If the filer's services are a material factor in the production of income, it is earned income and should be reported in Part III. However, limited partners usually receive investment income from the partnership, since they normally do not perform services for the partnership. Investment income includes returns on investments rather than compensation for personal services. It includes income derived from all forms of property, such as securities, funds, accounts, real estate, partnerships, joint ventures, businesses, and interests in trusts and estates.

When determining whether or not an investment asset should be reported, either the income threshold (in excess of $200 during the preceding calendar year) or the value threshold (in excess of $1,000) at the end of the year is sufficient to require reporting. For accounts in a financial institution, assets must be in excess of $5,000 or produce income in excess of $200. It

has been a fairly common misconception from filers that both thresholds must be met before an asset is required to be disclosed.

Normally, any information pertaining to a personal residence is exempted from reporting. However, a second personal residence (e.g., a weekend or vacation home) should be reported if rental income is received for the use of the property.

The reporting of accounts in a financial institution does require some clarification since the Committee changed some of the language for the calendar year 1994 Instructions. If the aggregate amount of income for all of an individual's accounts or the value of all such income producing accounts exceeds the established thresholds, then each such account must be separately reported for each individual. It is important to apply the "threshold test" separately to each individual owner of the accounts, which would include the following:

(1) accounts individually owned by filer,

(2) accounts individually owned by spouse,

(3) accounts individually owned by dependent child, and

(4) accounts jointly owned by filer and spouse or dependent child.

It should be understood that a reporting exemption for failure to meet a threshold amount, or for any other reason, does not affect any inquiry or recusal obligation under the Code of Conduct for United States Judges.

2. Description of Assets

In completing Part VII, a separate description of each asset listed is required. To assist the reviewer, assets should be listed in the same order as in the previous Report. Each asset reported should be described in sufficient detail so the reader can tell what the property is. As examples:

- For stocks, bonds, and other securities indicate the type of the holding, "common," etc., and its name. Commonly understood abbreviations are permitted.

- For an account within a financial institution, give sufficient information so that it can be identified. Aggregate information may be provided for accounts in each financial institution.

- For notes or accounts receivable, indicate the nature of the receivable and the name of the debtor(s).

- For each real estate interest, indicate the general geographic location, such as city or county and state. If more than one parcel of real estate is owned in the same geographic area, you may identify each parcel by number, i.e., Parcel 1, 2, 3, etc., rather than identifying each parcel by street address, lot, or block number.

- For an interest in a trust, indicate the nature of the interest (e.g., "income beneficiary"), the name (if any) of the trust, and the name and location of the trustee.

- For an interest in a mutual fund or pooled or common trust fund administered by an independent financial or brokerage institution, furnish the name of the fund.

At times, reporting persons inadvertently omit the listing of assets, and correct the previous year's errors in the following year's Report. Also, assets which were reported in one year may fail a qualifying requirement (such as a value of $1,000) in the following year and thus are not reported. When this occurs, put an explanatory item in Part VII or in Part VIII, with a reference in Part VII to avoid a letter of inquiry.

In addition, identify with a parenthetical "(X)" assets which have been previously exempt from disclosure and now are reportable. This should preclude a letter of inquiry from the Committee.

In the Description section of Part VII (Column A), indicate, where applicable, the owner of the listed asset with the parenthetical "(J)" for joint-ownership by the reporting person and spouse, "(S)" for separate ownership by spouse, or "(DC)" for ownership by dependent child.

The reporting of a position in Part I as trustee, executor, administrator, custodian, or any similar position requires a listing in Part VII of the assets involved if either you, your spouse, or any of your dependent children (1) has a beneficial interest in the estate or fund with which you are associated, or (2) controls the purchase, sale, or other disposition of the estate or fund.

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)*

☐ **NONE** (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)									
2 Rental Property #1, Alexandria, VA (1995 $200,000) (J)									
3 NationsBank (IRA) (CDs)									
4 Cabin Creek National Bank Stock (X)									
5 Fidelity Magellan Mutual Fund (DC)									
6 NY State Urban Dev. Corp. Muni. Bond									

Notes to Filer:

____ *Do you identify the asset in Column A in sufficient detail to clearly identify the type of property? If no assets are listed, is the NONE box checked?*

____ *If a real estate interest is listed, is the city or county and state listed?*

____ *If a financial institution is listed, is the institution clearly identified?*

____ *If a note or account receivable is listed, are the debtor names and the nature of the debt described?*

____ *If a gas, oil, or mineral interest is listed, do you identify the city or county and state and the name of the energy company or other payor of royalties, working interests, or rentals?*

____ *Do you clearly identify stocks, bonds, mutual funds and the underlying assets of IRAs and brokerage accounts?*

____ *If the asset was not listed on the previous report, do you include transactional information in Column D or a parenthetical "(X)" in Column A denoting that the asset was exempt from disclosure on the previous report?*

____ *Did you properly identify the ownership of an asset and is that asset consistent with your prior report?*

____ *If you listed a position in Part I as trustee, administrator, custodian, etc., is the estate or trust listed and the assets therein properly identified?*

Commentary

When listing stocks, bonds, and other securities, the individual name or commonly understood abbreviation should be provided. Stocks should be indicated as "common" or "preferred." Bonds and other securities should have enough detail in the description to differentiate that asset from other similar assets listed. This is particularly helpful for the reviewer and auditor when the filer reports multiple bonds or securities in the same or similar series, or brokerage accounts that lists its accounts in the name of the firm.

When reporting accounts with financial institutions, the type of account does not need to be listed.

When reporting an interest in a mutual fund or common trust fund, only the name of the fund is required. There is no requirement to list the individual assets. An interest in a trust, estate, or similar entity requires the listing of each individual asset unless the exemptions from disclosure of the individual assets in 6. Trusts and Similar Entities are met.

It is important that the owner of each asset be properly identified and be consistent on each Report. In the event of a discrepancy, an explanation should be provided in Part VIII to preclude a letter of inquiry.

The reviewer and auditor will note when an asset appears on the current Report and is not listed on the prior Report and there is no transaction information in Column D. In this situation, the filer should place a parenthetical "(X)" in Column A denoting that the asset was exempt from disclosure in the prior Report.

It is important to recognize that in almost every instance where a filer is a trustee, executor, administrator, custodian etc., the filer has the legal authority and responsibility to exercise control over and manage the assets in a trust or estate. It is this authority based on the filer's fiduciary responsibilities to control the purchase, sale, or other disposition of the assets that requires the filer to list the assets in this Part.

3. Income

In Column B of Part VII, the income from listed assets must be shown. The disclosure of the gross amount and the type of income -- dividends, rent, interest, or income from discharge of indebtedness -- is required. Sections 102(a)(1)(B) and 109(7). All income is reportable, whether taxable, tax deferred, or tax exempt. When no income is received (or there is a loss) Column B1 under Amount should be left blank and the word "NONE" should appear in Column B2 under Type. When some income is received, the appropriate code, reflecting the amount, should be used. If the type of income is not a dividend, rent, interest, or income from discharge of indebtedness, it should be explained either in Part VII or Part VIII. The ranges are required by statute and the coded amounts for income are listed on the reporting form as follows:

A	-	$1,000 or less
B	-	$1,001 to $2,500
C	-	$2,501 to $5,000
D	-	$5,001 to $15,000
E	-	$15,001 to $50,000
F	-	$50,001 to $100,000
G	-	$100,001 to $1,000,000
H1	-	$1,000,001 to $5,000,000
H2	-	More than $5,000,000

Section 102(a)(1)(B).

The same ranges and codes are used to report capital gains associated with transactions in Column D of Part VII. However, capital gains associated with "distributions" should be treated and reported as dividends in Column B.

The income from U.S. Savings Bonds, and similar investments should be reported if the minimum of $200 is reached.

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)*

☐ **NONE** (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)		NONE							
2 Rental Property #1, Alexandria, VA. (1995 $200,000) (J)	D	Rent							
3 NationsBank (IRA) (CDs)	A	Interest							
4 Cabin Creek National Bank Stock (X)	B	Dividend							
5 Fidelity Magellan Mutual Fund (DC)	B	Dividend							
6 NY State Urban Dev. Corp. Muni. Bond	A	Interest							

Notes to filer:

____ *Do you disclose in Column B the amount and type of income?*

____ *If you indicate "NONE" in Column B(2), did you leave Column B(1) blank?*

Commentary

Column B(1), the income amount code, and Column B(2), the type of income, should both be completed if you have income. If no income was received, Column B(1) should be left blank and the word "None" should appear in Column B(2). When some income is received, then the appropriate income amount code and type should be provided.

The statute lists only four types of income- dividends, rent, interest, or income from discharge of indebtedness. If the filer lists another type, then it should be explained in Part VII or Part VIII.

Some filers question whether to report income from IRAs (Individual Retirement Account) or other retirement or pension plans where they are not actually drawing income from the account. All income should be reported, whether taxable, tax deferred, or tax exempt.

Filers will take special care when disclosing an IRA. They are merely arrangements for holding other investments on a tax-deferred basis. The focus should be placed on the underlying investments which should be disclosed. Many IRAs are invested in cash or cash-equivalent accounts, such as a money market fund or other deposit account in a bank. No further information about these accounts is required to be disclosed. However, if any other type of entity, such as a broker holds IRA assets for a filer, the filer must disclose the underlying holdings in the account. IRAs may contain almost any investment, such as mutual funds, stocks, or bonds.

Other tax-deferred retirement or pension accounts (such as Simplified Employee Pensions-SEPs, Keogh Plans-HR-10, 401(k), and 403b Plans) are similar to IRAs and are self-directed where the filer has control over the funds. Therefore, the underlying investments should also be disclosed.

4. Value

In Column C, the gross value of the asset at the end of the reporting period is reported. Section 102(a)(3). There are statutory value ranges and a value code on the form. These same values are used for the value of reported assets in Column C and for the value of assets reported in the Transaction part of Part VII, Column D. They are as follows:

J	-	$15,000 or less
K	-	$15,001 to $50,000
L	-	$50,001 to $100,000
M	-	$100,001 to $250,000
N	-	$250,001 to $500,000
O	-	$500,001 to $1,000,000
P1	-	$1,000,001 to $ 5,000,000
P2	-	$5,000,001 to $25,000,000
P3	-	$25,000,001 to $50,000,000
P4	-	More than $50,000,000

Section 102(d)(1).

In addition, the method used for valuation should be reported in Column C. These are coded as follows:

Q -- Appraisal. Indicate in Part VII-A or Part VIII the date of the appraisal.

R -- Cost. This method may be used only for real property or an interest in a real estate partnership. If used, show in Part VII-A or Part VIII the date of purchase and the amount, not just the category code, of the purchase price.

S -- Assessment -- assessed value for tax purposes. If this method is used, show in Part VII-A or Part VIII the amount, not just the category code, of the assessed value and, if the property is assessed at less than 100% of its value, adjust the assessed value to reflect the current value and explain your adjustment.

T -- Cash/Market. The quoted market price of publicly traded stocks and other securities; the face value of interest bearing corporate or municipal bonds or comparable securities; the balance or surrender value of certificates of deposit, savings and checking accounts, money market funds, etc.

U -- Book. The net worth of a proprietorship, partnership interest, or corporate stock according to the books of such entity. This method may be used only for property interests not publicly traded.

V -- Other. Any other recognized indication of value, such as current selling price of a comparable interest. If this method is used, you must describe in Part VII-A or Part VIII the method used.

W -- Estimated. Your good faith estimate of the value of property if its exact value is not known and a more accurate determination of its value cannot be easily obtained by another method.

The gross value of the property should be indicated without reductions for mortgages, etc. References may be made in Part VII to mortgages included in Part VI (Liabilities).

VII. Page 1 INVESTMENTS and TRUSTS – income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)*

☐ **NONE** (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)		NONE	K	T					
2 Rental Property #1, Alexandria, VA (1995 $200,000) (J)	D	Rent	M	R					
3 NationsBank (IRA) (CDs)	A	Interest	J	T					
4 Cabin Creek National Bank Stock (X)	B	Dividend	J	U					
5 Fidelity Magellan Mutual Fund (DC)	B	Dividend	K	T					
6 NY State Urban Dev. Corp. Muni. Bond	A	Interest	J	T					

Notes to Filer:

____ *Do you list in Column C(1) the gross value code (J-P) at the end of the reporting period?*

____ *Do you list in Column C(2) the correct value method code (Q-W) reflecting how the value of the asset was determined?*

____ *If you used value method codes "Q", "R", "S", or "V," did you include the appropriate information in Column A or Part VIII?*

Commentary

If an asset is entirely sold during the reporting period, then Column C should be left blank. However, if an asset is partially sold (such as a portion of the total shares of stock owned), then Column C should be completed.

In addition, it should be emphasized that in Column C(2), there are four value method codes which require additional information in either Column A or Part VIII. Filers tend to forget that each report must stand on its own and as a result often fail to provide the following on their report each year:

(1) "Q"-Appraisal- the date of the appraisal.

(2) "R"-Cost- the date of purchase and the dollar amount of the purchase price.

(3) "S"-Assessment- the dollar amount of the assessed value.

(4) "V"-Other- the filer must describe the method used in Column A (Description) or Part VIII.

5. Transactions

Information on transactions should be entered in Column D. Transactions to be reported involve any purchase, sale or exchange during the reporting period which exceeds $1,000. Section 102(a)(5).

As to each acquisition or disposition, you should disclose:

a) the type of transaction, e.g., buy, sell, merger, inherit, redeem, etc.;

b) the date of the transaction;

c) the value category code indicating the value of the consideration paid or received;

d) the capital gain, if exceeding $200, realized on a disposition, using the appropriate income category code (codes A-H);.

e) the identity of the buyer or seller unless the transaction was conducted through public trading, as on a stock or commodities exchange;.

f) the liquidation of a bank account or money market fund that may have been reported on a prior Report.

If an asset has been bought and sold during the same reporting period, provide the required information about both transactions on successive lines.

On an exchange of properties, e.g., exchange of stock of ABC Co. for stock in XYZ Co. as a result of merger, list both the disposition of the ABC stock, and show any capital gain, whether or not recognized, and the acquisition of the XYZ stock.

The value category codes, codes J-P, which for convenient reference are also shown at the bottom of the Report, are listed above under VALUE.

The income category codes, codes A-H, for reporting capital gains, which for convenient reference are also shown at the bottom of the Report, are listed above under INCOME. If there is a loss, or no gain or loss, Column D4 under GAIN should be left blank.

You are not required to provide detailed transactional data on:

- transactions solely between yourself, your spouse, and your dependent children. Section 102(a)(5).
- transactions in which the then fair market value of consideration paid or received did not exceed $1,000. Section 102(a)(5).
- transactions involving property used solely as the personal residence of you or your spouse. Section 102(a)(5)(A).
- transactions involving a mere change of form of assets, e.g., a stock split.
- deposits or withdrawals from bank accounts and money market funds.
- transactions involving the reinvestment of dividends, interest, and capital gain distributions.

If property listed in Part VII is acquired (or created) or disposed of (or liquidated) during the year in a transaction that is exempt from disclosure as above noted, indicate in Column D the type of transaction.

If property is partially disposed of during the reporting year, Columns C and D may both require information. To avoid a response to questions of possible errors in reporting, indicate in Column D(1) that it was "part sold."

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)*

☐ **NONE** (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)		NONE	K	T	Buy	7/10	J		
2 Rental Property #1, Alexandria, VA (1995 $200,000) (J)	C	Rent			Sold	12/5	N	C	Joe Smith
3 NationsBank (IRA) (CDs)	A	Interest	J	T	Buy	11/10	J		
4 Cabin Creek National Bank Stock (X)	B	Dividend	K	U	Partial Sale	4/8	J	A	Jerry West
5 Fidelity Magellan Mutual Fund (DC)	B	Dividend	K	T	Buy Monthly		J		
6 NY State Urban Dev. Corp. Muni. Bond	A	Interest			Redeem	7/5	J		

Notes to filer:

____ *If the asset is a new listing, do you list in Column D information on the transaction?*

____ *Do you list the date of the transaction in Column D(2)?*

____ *Do you list in Column D(3) the value code (J-P) indicating the value of the consideration paid or received for the asset?*

____ *Do you list in Column D(4) capital gain (income codes A-H) realized on the disposition of the asset or leave this column "blank" if there was no gain or a loss?*

____ *If an asset is partially disposed of or sold, did you indicate "partial sale" in Column D(2)?*

____ *If an asset was completely disposed of or sold, did you leave Column C blank and complete Columns D(1)-(5) as appropriate?•*

____ *Do you list the identity of the buyer or seller for all transactions not conducted through public trading, as on a stock or commodities exchange?*

Commentary

In addition to purchases and sales, other types of transactions such as mergers, gifts, inheritances, and redemptions require completion of all parts of Columns D(1)-(3).

If an asset was disposed of (sale or redemption), then Column D(4)- the capital gain code should also be provided. In addition, Column D(5) should be completed as to the identity of the buyer or seller if it was a private transaction (as opposed to a transaction conducted through public trading, as on a stock or commodities exchange).

It should be noted that some filers leave Column D blank when they have a transaction which does not require complete details. However, Column D(1) should be completed to provide the type of transaction. This is a common omission when the filer either opens or closes an account in a financial institution. The following are common examples of these types of transactions:

(1) opening and closing of accounts in financial institutions, including the rollover of an account from one financial institution to another,

(2) transactions solely between the filer, his or her spouse, and dependent children,

(3) transactions in which the then fair market value of consideration paid or received did not exceed $1,000, and

(4) transactions involving a mere change of form of assets, e.g., a stock split.

6. Trusts and Similar Entities

Holdings of beneficial interests in trusts and similar entities present special problems in reporting.

A reporting person need not report the holdings of, or the source of, income from any of the holdings of:

a) a qualified blind trust. Section 102(f)(1). (see below).

b) a trust:

(i) which was not created directly by the reporting person, his spouse, or any dependent child; and

(ii) the holdings or sources of income, of which the person, his spouse, or any dependent child have no knowledge.

Section 102(f)(2).

c) a widely held investment fund, if the fund is publicly traded or the assets of the fund are widely diversified, and the reporting person neither exercises control, nor has the ability to exercise control over the financial interests held by the fund. Section 102(f)(8).

A reporting person does not have to report a contingent interest in a trust if the reporter has no control over the assets of the trust. An interest is contingent if there is no present right or ability to any income or principal, and the future is uncertain either by survivorship or otherwise.

Individual assets, stocks, and bonds that are part of an IRA or brokerage account must be disclosed. However, when a mutual or widely diversified fund is part of an IRA or brokerage account, only the name of the fund and not its underlying stocks, bonds, or other assets, must be listed. In other words, underlying stocks, bonds, etc. in a pooled fund which are not individually directed by the reporting individual need not be disclosed.

A reporting person should complete Part VII, Columns A and B, for the trust or other financial arrangement qualifying under the conditions listed. Section 102(f)(2).

Report the holdings and sources of income from private investment clubs or investment partnerships. In these arrangements, the basic rule is that the income, value, and transactions of the holdings of any investment club or similar arrangement in which you, your spouse, or dependent child have a beneficial interest must be reported if the investment club or partnership had ownership of any asset having a value of $1,000 at the end of the reporting period, regardless of the value of your, your spouse, or dependent child's individual share. Your listing of assets requires the completion of Columns A, B, and C for each asset owned by the investment club having a value in excess of $1,000 and the completion of Column D for any club transaction in excess of $1,000.

A <u>qualified</u> <u>blind</u> <u>trust</u> is subject to special rules. Section 102(f). The effect of the Code of Conduct for United States Judges (Canon 3(c)(2)) precludes qualified blind trusts for judges, their spouses and dependent children. Other judicial employees may own beneficial interests in qualified blind trusts as defined and conditioned in the pertinent statutes. Judicial employees considering the establishment of a qualified blind trust are directed specifically to Section 102(f)(3)(D), which requires approval by the Committee on Financial Disclosure.

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)*

☐ **NONE** (No reportable income, assets, or transactions)									
1 George Washington Trust									
2 IBM Stock	A	Dividend	K	T					
3 Merrill Lynch 20th Century Mutual Fund	B	Dividend	L	T					
4 NY City Transportation Bonds		NONE	L	T	Buy	12/21	L		
5 Merrill Lynch Brokerage Account - IRA (S)									
6 Merrill Lynch Health Mutual Fund	A	Dividend			Sell	1/8	K	A	
7 Merrill Lynch Growth Mutual Fund	B	Dividend	K	T	Buy	1/8	K		
8 Capitol Holding Stock	A	Dividend	L	T					

Notes to filer:

____ *Did you complete the appropriate columns for each asset required to be individually listed in a trust, estate, investment club, or other similar financial arrangement?*

Commentary

The holdings of beneficial interests in trusts and similar entities, such as estates, present special problems in reporting. The reporting person is not required to disclose the individual holdings from any trust or other financial arrangement which is specifically exempted and noted as such in the Instructions. The two most common types of exemptions are as follows:

(1) a trust:

(a) which was not created directly by the reporting person, his spouse, or any dependent child; and

(b) the holdings or sources of income, of which the person, his spouse, or any dependent child have no knowledge.

(2) a widely held investment fund, if the fund is publicly traded or the assets of the fund are widely diversified, and the reporting person neither exercises control, nor has the ability to exercise control over the financial interests held by the fund. (This is most commonly associated with regulated investment company accounts, mutual funds, pension or deferred compensation plans, or other investment funds.)

However, for any other trust, estate, or financial arrangement, the individual holdings of which the filer, the spouse, or the dependent child have a vested beneficial interest should be disclosed. The Committee has adopted the following language to use as a guideline:

A reporting person does not have to report a contingent interest in a trust if the reporter has no control over the assets of the trust. An interest is contingent if there is no present right or ability to any income or principal, and the future is uncertain either by survivorship or otherwise.

Related Commentary

The following are examples of statutory guidelines on related subjects extracted from The Codes of Conduct For Judges And Judicial Employees. These guidelines should provide assistance as to the propriety of disclosing certain financial interests.

(1) "Financial interest" means ownership of a legal or equitable interest, however small. (Canon 3(C)(3)(c).)

(2) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund. (Canon 3(C)(3)(c)(i).)

(3) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization. (Canon 3(C)(3)(c)(ii).)

(4) A policy holder in a mutual insurance company, a depositor in a mutual savings association, or owner of government securities has a "financial interest," if the outcome of any proceeding in which the filer participates could substantially affect the value of the interests. (Canon 3(C)(3)(c)(iii) and (iv).)

(5) A judge does not have a financial interest in a corporation whose securities are held by either an educational institution or a private trust of which the judge is a trustee or in which the judge has no beneficial interest and no control over directing investments. (Canon 6(C)(1), Advisory Opinion 16.)

(6) An interest in a limited partnership designed to engage in particular investment strategies can fall within the concept of a "common investment fund" when the judge has no control or influence over the general partner or over the investment decisions. The investment vehicle is similar to a mutual fund. (Compendium § 3.1-3(e) (1997).)

(7) A judge has a "financial interest" in each of the named underlying equity securities when the judge's IRA owns units of an investment vehicle which holds 15 named corporations, the portfolio is not actively managed, and it is not contemplated the securities will be sold or exchanged prior to termination of the investment vehicle in ten years. Investment vehicle does not qualify as "mutual fund or common investment fund" under Canon 3C. (Compendium § 3.1-3(f) (1997).)

(8) A law firm's KEOGH plan or 401k plan managed by the firm, small number of participants, ready access to investment information does not qualify for the "common fund" exception under Canon 3C. (Compendium § 3.1-3(c) (1997).)

(9) A law firm's retirement fund qualifies for the "common investment fund" exception under Canon 3C where the financial interest is indirect (due to the number of participants and the size and diversity of investments), directed investment by participants is not available, and the participants do not know and cannot easily find out about a fund's portfolio, which turns over frequently. (Compendium § 3.1-3(c-1) (1997).)

VIII. Explanatory Comments

Use this section to add information clarifying other portions of the Report. Of particular importance is any information, such as a reference to opinions of the Committee on Codes of Conduct and actions of a Judicial Council, that bears on possible conflicts of interest or problems under the Codes of Conduct for United States Judges. Also use this section to explain any apparent inconsistencies between the current Report and past Reports.

Place explanatory comments either with the item or in Part VIII that will facilitate "tracing" items from one Report to the next. For example, indicate if an asset has a different name from that used in the prior Report because of a reorganization or change of name.

Use attachment pages if more space is needed.

IX. Certification and Signature

The certifications provided on the form cover (1) a certification that the reporting person did not perform any adjudicatory function in any litigation during the reporting period in which such person or his or her spouse or minor or dependent children had a financial interest; (2) a certification that the Report is accurate, true, and complete as to all information required by the Act to be reported; and (3) a certification that earned income from outside employment and honoraria and the acceptance of gifts that have been reported are in compliance with the provisions of applicable laws and regulations.

The first certification covers only minor or dependent children. If it cannot be made in the form contained on the Report, e.g., the reporting person performed adjudicatory functions in a case either in error or under the "rule of necessity," modify the certificate and explain in Part VIII.

The original Report that is to be filed with the Committee must bear the original signature of the reporting person; the other three copies may be copies of the signed original. At least one copy of an amended return or of a clarifying letter responding to a Committee inquiry must bear the original signature of the reporting person; all other copies shall be copies of the signed original. The signature of the reporting person may be excused only during a period of physical or mental incapacity of that person.

Promptly upon discovery that an error has been made in a Report, amend the Report by one of the methods explained on page 4.

COMPLIANCE AND SANCTIONS

Compliance with filing and reporting requirements is monitored pursuant to 5 U.S.C. app. 4, § 106.

One who knowingly and willfully falsifies or fails to file or report any information required under the Act is subject to civil and criminal sanctions. Section 104(a).

ETHICAL STANDARDS

The disclosure requirements and exemptions from disclosure contained in the Act neither define nor limit the standards imposed by the Code of Conduct for United States Judges and other rules of the Judicial Conference of the United States or the statutory provisions for disqualification or recusal.

For example, disclosure of financial interests under the Act is required only for interests exceeding a stated minimum amount of value and only with respect to certain members of a person's family, whereas 28 U.S.C. § 455(b)(4) applies to financial interests without regard to amount and 28 U.S.C. § 455(b)(5) applies to participation in litigation by a person within the third degree of relationship to the judge. Similarly, the Act exempts from disclosure matters relating to campaign receipts and campaign disbursements, most of which would be prohibited under the Code of Judicial Conduct for United States Judges, which also precludes qualified blind trusts for judges.

PUBLIC ACCESS

Financial Disclosure Reports are public documents, open to inspection and copying at the office of the Committee on Financial Disclosure. Reports will be made available to the public within thirty (30) days after the Report is received by the Committee on Financial Disclosure and only upon written application. Sections 105(a) and (b)(1).

Individuals requesting copies of Financial Disclosure Reports will be required to present adequate identification such as a picture identification, when requesting a copy in person. Those requesting copies by mail will be required to submit a notarized request.

There will be a charge of fifty (50) cents for each page copied. A Report will be made available only to a person who states on a written application:

(A) that person's name, occupation and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions with regard to obtaining or using the Report.

Section 105(b)(2).

It shall be unlawful for any person to obtain or use a Report--

(A) for any unlawful purpose;

(B) for any commercial purpose other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any person; or

(D) for use directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

Section 105(c)(1).

The Attorney General may bring a civil action against any person who obtains or uses a Report for any prohibited purpose described above. The court in which such action is brought may assess against such person a penalty in any amount not to exceed $10,000. Such remedy shall be in addition to any other remedy available under statutory or common law. Section 105(c)(2).

Commentary

Financial Disclosure Reports are public documents open for copying and inspection and will be maintained in the Financial Disclosure Office for six years, after which the reports will be destroyed unless there is an ongoing investigation. The Committee has held that by statute felons cannot be restricted from ready access to the Reports. Immediately upon mailing a copy of a filer's Report to the requestor, staff sends a courtesy letter of notification to the filer informing the filer that a proper request for a copy of filer's Report was received and that it is being made available.

Staff has been instructed to delete home addresses, social security numbers, and account numbers from Reports requested by the public.

The Instructions for completing Financial Disclosure Reports are made available to the public upon request. The fee for copying Reports can be waived only after a determination by the Committee that it is in the public interest and that the requestor is unable to pay (e.g., waiver of the copying fee for prisoners). Substantive inquiries from the press or other members of the public are handled by the Committee Counsel.

APPENDIX I

INITIAL REPORTS

WHO MUST FILE AND WHEN

Persons nominated to be JUDICIAL OFFICERS must file an initial Report within 5 days of the transmittal of their nomination by the President to the Senate. Section 101(b)(1).

Newly-appointed JUDICIAL EMPLOYEES must file an initial Report within 30 days of assuming their positions, Section 101(a), if they assume their position before November 1. Newly-appointed JUDICIAL EMPLOYEES who assume their positions between November 1 and December 31 must file an initial Report by March 15 of the subsequent year.

Judicial employees who receive a promotion or change in the rate of pay which results in pay equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule before November 1, must file an initial Report within 30 days of the promotion or pay change. If the promotion or pay adjustment occurs between November 1 and December 31, judicial employees must file an initial Report by March 15 of the subsequent year.

A JUDICIAL EMPLOYEE who is not expected to perform the duties of the office or position for more than sixty (60) days in a calendar year is not required to file an annual Report. However, if the person actually performs duties for more than sixty (60) days, an initial Report must be filed within fifteen (15) days of the sixtieth day. Section 101(h).

INSTRUCTIONS FOR COMPLETING EACH PART

Below are specific instructions that differ from those provided for annual Reports.

Identifying Information

BLOCK 3. **Date of Report**. For a JUDICIAL EMPLOYEE, a date that is no more than 30 days after your entry in the position if you entered before November 1. If you entered between November 1 and December 31, the "Date of Report" should be no later than March 15. For a person nominated to be a JUDICIAL OFFICER, the date should be no more than 5 days after submission of your nomination to the Senate.

BLOCK 5. **Report Type.** Check the appropriate report form and in the case of a nomination Report show the date your nomination was transmitted to the Senate.

BLOCK 6. **Reporting Period.** The beginning date (January 1 of the year preceding the year you assumed your office or were nominated) and the ending date (a date you choose that precedes the "Date of Report" by no more than 30 days).

I. Positions

The reporting period is the two calendar years preceding the date of the Report through the filing date in the current calendar year. Section 102(a)(6)(A).

III. Non-investment Income

The reporting period is the calendar year preceding the date of the Report and the year of filing. Section 102(b)(1)(A).

In addition, you must report compensation, other than from the United States Government, in excess of $5,000 in any of the two calendar years prior to the calendar year during which you file your first Report. Section 102(a)(6)(B).

You must include the identity of each source of such compensation and a brief description of the nature of the duties performed or services rendered by the reporting person for each source. Section 102(a)(6)(B).

You are not required to report any information which is considered confidential as a result of a privileged relationship, established by law between the reporting person and any person nor are you required to report any information with respect to any person for whom services were provided by any firm or association of which the reporting person was a member, partner, or employee unless the reporting person was directly involved in the provision of such services. Section 102(a)(6)(B).

IV. and V. Reimbursements and Gifts

You are not required to complete these Parts of the Report. Section 102(b)(1). Note "exempt" in these two spaces.

VI. Liabilities

The reporting period is the calendar year preceding the date of the Report through a date which is less than thirty-one days before the filing date. Section 102(b)(1)(B).

VII. Investments and Trusts

The reporting period for providing income information for assets is the calendar year preceding the date of the Report and the year of filing. Section 102(b)(1)(A). The reporting period for providing value information for assets is the calendar year preceding the date of the Report through a date which is less than thirty-one days before the filing date. Section 102(b)(1)(B). **You are not required to complete Subpart D "Transactions."** Section 102(b)(1). Note "exempt" in these two spaces.

APPENDIX II

FINAL REPORTS

WHO MUST FILE AND WHEN

A JUDICIAL OFFICER who works 60 days or more in a calendar year is required to file a final Report within thirty days after resigning under 28 U.S.C. § 371(a) or otherwise ceasing to continue in such position. A JUDICIAL OFFICER who retires under 28 U.S.C. § 371(b) is not required at that time to file a final Report, but continues to be obligated to file an annual Report for any year in which the relevant Judicial Council authorizes the employment by the judge of at least one law clerk or secretary, unless the judge certifies that he or she did not perform the duties of his or her office for more than sixty (60) days.

A JUDICIAL EMPLOYEE who works 60 days or more in a calendar year is required to file a final Report within thirty days of termination of employment. Section 101(e).

A JUDICIAL OFFICER OR JUDICIAL EMPLOYEE accepting another position in the Federal government subject to financial disclosure reporting is not required to file a final Report when changing position. Section 101(e).

INSTRUCTIONS FOR COMPLETING EACH PART

Below are specific instructions that differ from those provided for annual Reports.

Identifying Information

BLOCK 3. **Date of Report.** The date the Report is completed, and not more than 30 days after termination of employment.

BLOCK 5. **Report Type.** Check final Report.

BLOCK 6. **Reporting Period.** Show both the beginning and ending date of the reporting period. The beginning date will be January 1 of the current year if an annual Report has already been filed covering the preceding calendar year; otherwise, it will be January 1 of the preceding calendar year. The ending date is the date of termination of employment.

Parts I. - VII.

The reporting period is the calendar year preceding the date of the Report through the filing date in the current calendar year. Section 102(c). If an annual Report was already filed covering the preceding calendar year, then the reporting period is the current calendar year through the filing date.

APPENDIX III

ADDITIONAL REFERENCES

Regulations concerning gifts, outside earned income, honoraria, and outside employment and the codes of conduct are contained in the Guide to Judiciary Policies and Procedures, Volume II, Codes of Conduct for Judges and Judicial Employees.

The Committee on Codes of Conduct has established a database on Westlaw containing the ethical materials in Volume II of the Guide. To use this database, log on to Westlaw using your judiciary-provided Westlaw password (you cannot access this database with a password provided by anyone other than the federal judiciary). When prompted for a file name, enter CONDUCT (this file name does not appear on the Westlaw menu). Once entered into the database file, research may be conducted using established Westlaw search mechanisms.

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Issued January 2, 1998

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AO-10
Rev. 1/98

FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 1998

Report Required by the Ethics Reform Act of 1989, Pub. L. No. 101-194, November 30, 1989 (5 U.S.C. App. 4, 101-112)

1. Person Reporting *(Last name, first, middle initial)* Porteous (Jr.), Gabriel T.	2. Court or Organization United States District Court Eastern District of Louisiana	3. Date of Report 5/13/99
4. Title *(Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)* Active United States District Court Judge	5. Report Type (check appropriate type) ___ Nomination, Date _____ ___ Initial X Annual ___ Final	6. Reporting Period 1/1/98 - 12/31/98
7. Chambers or Office Address United States District Court 500 Camp St., C206 New Orleans, La. 70130	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of Instructions.)*

POSITION — NAME OF ORGANIZATION/ENTITY

[X] NONE (No reportable positions.)

1
2
3

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of Instructions.)*

DATE — PARTIES AND TERMS

[X] NONE (No reportable agreements.)

1
2
3

FINANCIAL DISCLOSURE OFFICE
MAY 14 12 27 PM '99

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of Instructions.)*

DATE — SOURCE AND TYPE — GROSS INCOME (yours, not spouse's)

[X] NONE (No reportable non-investment income.)

1 $
2 $
3 $
4 $
5 $
$

SC00231

HP Exhibit 104(a)

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
Porteous (Jr.), Gabriel T.	5/13/99

IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements received by spouse and dependent children, respectively. See pp. 23-28 of Instructions.)

[ ] NONE (No such reportable reimbursements.)

	SOURCE	DESCRIPTION
1	Jefferson Bar Association	4/17/98 Speaker CLE Seminar, Biloxi, Mississippi (Hotel)
2	Louisiana State Bar Association	6/11-6/13/98 Speaker CLE Seminar, Destin, Fla. (Hotel and Mileage)
3	State Fourth & Fifth Circuit Judges' Association	10/8-10/12/98 Speaker CLE Seminar, Seattle, Washington (Travel & Hotel)
4	LSU Trial Advocacy Training Program	8/10-8/12/98 Faculty Member, Baton Rouge, La. (Food, Mileage and Hotel)
5		
6		
7		

V. GIFTS.

(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate gifts received by spouse and dependent children, respectively. See pp. 29-32 of Instructions.)

[X] NONE (No such reportable gifts.)

	SOURCE	DESCRIPTION	VALUE
1			$
2			$
3			$
4			$

VI. LIABILITIES.

(Includes those of spouse and dependent children; indicate, where applicable, person responsible for liability by using the parenthetical "(S)" for separate liability of the spouse, "(J)" for joint liability of reporting individual and spouse, and "(DC)" for liability of a dependent child. See pp. 33-35 of Instructions.)

[ ] NONE (No reportable liabilities.)

	CREDITOR	DESCRIPTION	VALUE CODE*
1	MBNA	Credit Card	J
2	Citibank	Credit Card	J
3			
4			
5			
6			

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
Porteous (Jr.), Gabriel T.	5/13/99

VII. Page 1 INVESTMENTS and TRUSTS – income, value, transactions *(Includes those of spouse and dependent children. See pp. 36-54 of Instructions.)*

☐ NONE (No reportable income, assets, or transactions.)									
1 Fidelity Investments Fidelity Management Trust-IRA	D	Distrib.	J	T	None				
2 Noble Drilling Corp. Common Stock		None	J	T	None				
3 Oberweis FDS Emerging Growth Mutual Fund		None	J	T	None				
4									
5									
6									
7									
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16									
17									
18									

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	Porteous (Jr.), Gabriel T.	5/13/99

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

IX. CERTIFICATION.

In compliance with the provisions of 28 U.S.C. § 455 and of Advisory Opinion No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge after reasonable inquiry, I did not perform any adjudicatory function in any litigation during the period covered by this report in which I, my spouse, or my minor or dependent children had a financial interest, as defined in Canon 3C(3)(c), in the outcome of such litigation.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. 4, § 501 et. seq., 5 U.S.C. § 7353 and Judicial Conference regulations.

Signature _____ Date 5/13/99

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. App. 4, § 104.)

[redacted]

Financial Disclosure Report

Filing Instructions for Judicial Officers and Employees

Committee on Financial Disclosure
Administrative Office of the U.S. Courts
One Columbus Circle, N.E., Suite 2-301
Washington, D.C. 20544
202-273-4626
January 2, 1999

HP Exhibit 104(b)

Major Changes to Financial Disclosure Instructions for 1998

There are few substantive changes from last year's filing requirement. However, the Instructions concerning the reporting of individual assets contained in brokerage accounts, trusts, estates, and IRAs have been further clarified, especially for filers listing a position as executor, trustee, or similar position in Part I of the report.

The Committee continues to find it difficult to close reports that attach financial statements in lieu of completing Part VII, Investments and Trusts, of the Financial Disclosure Report (AO Form 10). Such reports often fail to provide the required information and lack a consistent and uniform format necessary for Committee review. Moreover, they often provide confidential information that is not required, such as account numbers, Social Security numbers, and home addresses. Accordingly, each filer should ensure that the appropriate entries, including value codes, for each asset in an IRA or trust are entered in Part VII of their Financial Disclosure Report (AO Form 10).

Gifts from relatives are not reportable in Part V, Gifts, of the report form. The filing instructions on page 38 have been amended to provide that the parenthetical "(X)" should be used to identify an asset in Part VII, Column A that meets the reporting threshold and is otherwise exempt from the reporting requirements as a gift under Part V. Thus, if a filer received $10,000 in AT&T stock from a parent, the stock would be identified in Part VII, Column A, as "AT&T (x)" and Column D, Transactions, would not be completed.

SECURITY ISSUES

Every filer should be aware that the Ethics in Government Act of 1978 makes your Financial Disclosure Report a **PUBLIC DOCUMENT**. This means that a person seeking to harm or harass you and your family can get a copy of your Financial Disclosure Report. There have been instances of such misuse of information provided by filers.

The Committee makes the following recommendations so that you can satisfy the financial disclosure requirements of the Act while accommodating appropriate security concerns:

(1) When filing your report, enter your CHAMBERS OR OFFICE ADDRESS in block 7. Do NOT use your home address for any purpose in connection with your Report.

(2) In Part VII, do NOT provide more financial detail than is required by the Instructions. For example, for bank accounts, provide only the name of the institution and the city and state in which it is located. For certificates of deposit, provide only the name of the institution that issues the certificate. Do not include your social security number or the financial account numbers of brokerage accounts, IRAs, or bank accounts. For rental properties, provide only the city (or county) and state in which the property is located. If you have more than one rental property in a particular location, you may identify the properties as "Rental Property #1, Cincinnati, Ohio," "Rental Property #2, Cincinnati, Ohio," and so on.

(3) It is not necessary to report your personal residence or residences in Part VII (unless a portion of your residence is rented to a third party). Similarly, do not report any mortgage, equity loan, or line of credit secured by a personal residence, vehicle, boat, or motor home in Part VI.

(4) In addition, some filers wish to provide their federal income tax return. Paradoxically, this method provides too much information, and at the same time not enough information. The tax return shows interest and dividends in Schedule B and sales of assets in Schedule D in specific detail, but it does not provide the protection of the income and value codes and does not include lists of your current holdings. Therefore, a tax return does not meet the requirements of the Act.

(5) Similarly, financial statements, deeds, and trust agreements provide too much information including home addresses and account numbers. They are not necessary in order to identify an asset. Do not attach such documents to your report.

(6) The reporting requirements seldom require the name of your spouse or a child. Identify your spouse and children by the use of the parenthetical codes "S," "DC1," and "DC2."

If your Financial Disclosure Report is requested, you will be notified of the request. If you have any concerns or questions about the release of your report, please call the staff of the Committee at (202) 273-4626 or discuss the matter with your local United States Marshal.

Issued January 2, 1999

FINANCIAL DISCLOSURE INSTRUCTIONS FOR JUDICIAL OFFICERS AND EMPLOYEES

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INTRODUCTION

Three types of Financial Disclosure Reports--initial, annual, and final--are required by the Ethics in Government Act of 1978, as amended, published in Title 5 of the United States Code Annotated, Appendix 4, §§ 101-111.

These Instructions govern the preparation and filing of AO Form 10, which is to be used by judicial officers and employees for all Reports due after January 1, 1999. The body of the Instructions covers reporting requirements for annual Reports, which in some cases also apply to initial and final Reports. Where requirements for initial and final Reports differ from the annual reporting requirements, specific information can be found in Appendices I and II, respectively, of these Instructions.

The Act requires that the Committee on Financial Disclosure review each Report to assure that, on the basis of the information provided, the reporting person is in compliance with applicable laws and regulations. Section 106(b)(1). The Committee also reviews reports to determine potential conflicts of interest or ethical problems.

Questions concerning the reporting requirements (and suggestions for improving the AO Form 10 or these Instructions) should be addressed to: Committee on Financial Disclosure, Administrative Office of the United States Courts, One Columbus Circle, N.E., Suite 2-301, Washington, D.C. 20544.

WHO MUST FILE, WHEN AND WHERE

JUDICIAL OFFICERS AND JUDICIAL EMPLOYEES are required to file an annual Report by May 15 following each calendar year in which they performed their duties for more than sixty (60) days. Section 101(d). Filing before the due date is encouraged to ease the burden on members of the Committee on Financial Disclosure who review the Reports, as required by the Act.

JUDICIAL OFFICERS are defined in the Act as the Chief Justice and Associate Justices of the Supreme Court, and the judges of United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of International Trade, Tax Court, Court of Federal Claims, Court of Veterans Appeals, United States Court of Appeals for the Armed Forces, and any court created by an Act of Congress, the judges of which are entitled to hold office during good behavior. Section 109(10).

A JUDICIAL EMPLOYEE is any employee, other than a JUDICIAL OFFICER of the judicial branch of Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Veterans Appeals, or of the United States Court

Article I Courts: Territorial Courts, US Ct of Appeals - Armed Forces, US Ct of Vets Appeals, US Ct of Fed Claims, & US Tax Ct

of Appeals for the Armed Forces, who

(a) is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, e.g., bankruptcy judges and magistrate judges; or

(b) who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.

Section 109(8).

Persons whose obligation to file Reports may vary from year to year, e.g., a senior judge, or recalled bankruptcy judge or magistrate judge who may perform more than 60 days of service in one year but not in another, should certify their exempt status to the Committee on Financial Disclosure by May 15th, if they are exempt from filing for the prior year. This will avoid an inquiry from the Committee concerning failure to file. When they file their next Reports, they should explain any apparent inconsistencies resulting from the "gap" between the two reporting periods.

For information on who must file initial and final Reports, and when they must be filed, see Appendices I and II, respectively.

Commentary

The General Counsel of the Administrative Office has determined that the term "basic pay" within the definition of a judicial employee does not include locality pay or geographic cost-of-living allowance (COLA) received by some employees in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands. Geographic COLAs are considered additional allowances for the cost of living rather than part of the basic rate of pay. Similarly, there is no express statutory authority permitting court employees to receive locality pay. Payment is based upon the Director of the Administrative Office's authority to set compensation and is treated in the same manner that locality pay is treated in the Executive Branch, which does not consider locality pay as a part of basic pay.

Part-time employees without adjudicatory functions are deemed to satisfy the filing threshold if the basic rate of pay fixed for the position held meets the statutory minimum. Thus, the "rate of basic pay" rather than actual pay received, is used to determine the need to file a Report. In addition, the Committee has held that the "rate of basic pay" to be used to determine whether a reemployed annuitant who is not authorized to perform adjudicatory functions must file a Report does not include the annuity.

A part-time magistrate judge whose annual salary level is less than 16.4% of the salary of a full-time magistrate judge will normally perform the duties of his or her office for less than sixty-one (61) days each year and accordingly is not required to notify the Committee of his or her exempt status.

Extensions of Time to File

The Committee on Financial Disclosure may grant reasonable extensions of time for filing initial, annual, and final Reports. Requests for extension should be submitted in writing to the Committee before the due date and should explain why the extension is necessary. The maximum extension permitted by the Act is 90 days. Section 101(g).

Emergency requests for extension may be made by telephone to the Committee staff if the reason for the request could not have been reasonably anticipated. A letter confirming the request should be sent promptly to the Committee. A letter confirming the oral response will be sent promptly by the Committee.

Filing Fee

The statute requires a person to file a timely Report. One who files a Report more than thirty (30) days after the date the Report was due may be assessed a filing fee of $200.00. If for good reason it is necessary to request a delay in filing, extensions of time of up to 90 days may be granted by the Committee on Financial Disclosure. The statute states that extensions beyond 90 days are not permissible. Absent a waiver, those granted a full 90 day extension will have to pay the fee if they do not file by the 120th day. Section 104(d)(1).

The Committee may waive the filing fee for extraordinary circumstances. Requests for waivers must be submitted in writing to the Committee with explanation of the reason(s) the Report was not filed on time. Section 104(d)(2).

Commentary

When a Report is filed more than 30 days after the date it is due, the filer is assessed a late filing fee of $200. The fee is deposited in the United States Treasury. If a filer requests a waiver of the fee due to extraordinary circumstances, the Committee has delegated the authority to approve waivers involving failure of the postal system or physical incapacity of the filer to the Subcommittee on Compliance. Requests for waiver of the fee for any other "extraordinary circumstance" require a decision by the Committee as a whole. Please note, that Reports are deemed to have been filed five (5) days prior to physical receipt for the purpose of determining whether the Report has been timely filed.

Where to File

Effective January 1, 1991, the original and three copies of the Report, and of any amendments (including amendments in response to letters of inquiry) are to be filed with:

Committee on Financial Disclosure
Administrative Office of the United States Courts
One Columbus Circle, N.E., Suite 2-301
Washington, D.C. 20544

Section 103(h)(1)(B).

The additional copies of the Report may be made by photocopying the original, rather than by retyping or using carbons.

Commentary

Reports are not considered to have been received unless they are physically received by the staff of the Committee on Financial Disclosure and contain an original signature of the filer. Reports will be date stamped as soon as they are received by the staff. Reports sent to the Committee on Financial Disclosure by facsimile or other electronic means are not considered to be received until a copy with an original signature is received.

Amendments

A Report may be amended by filing an amended AO Form 10 for that year, fully explaining items added to, or changed from, the original submission.

Alternatively, additional information may be submitted by a separate letter addressed to the Committee. You should identify the Report(s) and Part(s) being corrected and provide complete information for the item(s) being corrected. Sign the letter personally, which will constitute your certification to the accuracy and completeness of the Report(s) as amended.

Regardless of which method is used, you should file amendments in the same manner as for the original, i.e., a signed original and three copies with the Committee.

Commentary

Self-initiated amendments will be certified in the same manner as an original Report. Each reviewer will complete block 8 on the AO Form 10 for each amendment as amended.

Amendments must be submitted over the signature of the filer. Amendments submitted on the filer's behalf by accountants, lawyers, or others are not acceptable.

Waivers

The Committee may grant a request for a waiver of any reporting requirement for one who is expected to perform the duties of the office or position less than one hundred and thirty (130) days in a calendar year, but only if the Committee determines that:

(1) the person is not a full-time employee of the Government;

(2) the person is able to provide services specially needed by the Government;

(3) it is unlikely that the person's outside employment or financial interests will create a conflict of interest; and

(4) public financial disclosure by the person is not necessary under the circumstances.

Any request for such a waiver must be directed in writing to the Committee with a detailed explanation of the facts upon which the Committee can make the determinations required under the Act. All such requests are available to the public. Section 101(i).

GENERAL INSTRUCTIONS

The Report should be legible. Its format has been designed to be completed on most typewriters. The name of the person and date of the Report should appear on each page. Financial Disclosure Report software is available upon request from the Office of the Committee.

"None" Box

Parts I through VII of the Report must be completed. If you have no reportable items in any of these parts, do not simply leave it blank or mark it as "N/A," but instead mark the "None" box as an affirmative declaration of the fact.

Disclosure Concerning Family Members

A reporting person is required to disclose financial information concerning a spouse and dependent children, and the form is designed for inclusion of this information. Section 102(e)(1). The requirement to disclose trust information for a spouse and dependent children

only when a beneficial interest exists is found on pages 49 and 50. The Act does not require disclosure of the financial interests of other family members, nor is it required with respect to a spouse who is living separate and apart with the intention of terminating the marriage or permanently separating. Section 102(e)(2).

The Act defines a dependent child as a "son, daughter, stepson, or stepdaughter . . . who--
(A) is unmarried and under age 21 and is living in the household of the reporting person; or
(B) is a dependent of the reporting person within the meaning of section 152 of the Internal Revenue Code of 1986." (26 U.S.C. § 152)

Section 109(2).

When reporting information about a spouse or dependent children, add the parenthetical "(S)" or "(DC)" to signify the person(s) to whom it relates. The parenthetical "(J)" should be used to signify an item jointly held or owned by you and your spouse.

Extra Pages; Attachments

If more space is needed for any Part than is provided on the form, make the additional entries on a new page and include it as a numbered attachment. The identifying information (name and date of Report) must appear on each attachment page. If you make these entries on other than a photocopy of a page from the form, make sure that the Part being continued is indicated and that all the required information is given.

Alternative Format For Reporting

The computer program available from the Administrative Office provides an acceptable format for reporting.

It is permissible in exceptional circumstances to provide the required information in any Part of the Report in an alternative format but only upon a specific written determination by the Committee that such alternative reporting is acceptable. Those wishing to use alternative formats should seek permission to do so by writing to the Committee stating in detail the format to be used, why the request is being made, and whether it is for the current Report only or for future Reports, as well. All information submitted must be in a format easily reconciled with prior Reports. Section 102(b)(2)(A).

In the absence of permission to use an alternative format, no extrinsic reports or documents may be used as substitutes for disclosure on the AO Form 10 as provided. This limitation is necessary to avoid additional burdens that would occur in the review process if a variety of documents, with different formats and often with extraneous information, were permitted.

Reconciliation with Prior Reports

Each Report should be complete in itself. No information may be adopted by reference to prior Reports. If letters approving a specific transaction, position, or agreement have been received from the Committee, or if the Committee on Codes of Conduct has approved particular conduct or actions, a copy of the letter of approval should be attached to each Report to avoid a letter of inquiry.

Compare the information on your current Report with that in the prior Report to assure that each is complete and correct.

To assist the Committee during the review process, list items in each Part of the Report in the same order as shown in the prior Report (placing any new items at the bottom of the list or of the appropriate subdivision of the list).

Personal Information

AO-10
Rev. 1/98

FINANCIAL DISCLOSURE REPORT

FOR CALENDAR YEAR 1998

Report Required by the Ethics in Government Act of 1978 (5 U.S.C. App. 4, 101-111)

1. Person Reporting *(Last name, first, middle initial)*	2. Court or Organization	3. Date of Report
Smith, John B.	U.S. District Court, North Dakota	April 16, 1999
4. Title *(Article III Judges indicate active or senior status; Magistrate Judges indicate full- or part-time)*	5. Report type (check appropriate type)	6. Reporting Period
U.S. District Judge - Senior Status	___ Nomination, Date _____ ___ Initial _X_ Annual ___ Final	January 1, 1998 - December 31, 1998
7. Chambers or Office Address	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.	
U.S. Courthouse 44 West 32nd Street Fargo, North Dakota 58107	Reviewing Officer _____ Date _____	

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each section where you have no reportable information. Sign on last page.

Notes to filer:

____ *Are blocks 1 through 7 filled in?*

____ *Does block 4 show your status?*

____ *Does block 5 indicate the type of report?*

____ *Does block 6 cover the correct reporting period?*

Commentary

Blocks 1 through 8 of the heading to the report should be filled in as indicated:

Block 6. Reporting Period.	*The following entry should be made for Annual Reports: January 1, 1998-December 31, 1998.*
Block 8. Certification.	*Reviewing official will sign and date this block when the report is complete. The front page of the AO-10 with the reviewing judge's original signature will be returned to the staff of the Committee on Financial Disclosure for permanent filing.*

Certification by the reviewing judge or staff counsel, as reviewing officials, certifies that the information in the report, any amendments, or attached correspondence has been disclosed in accordance with applicable laws and regulations. The reviewing official has the authority to approve the report as submitted, direct that a letter of inquiry be sent, or waive an error as de minimis and approve the report. The reviewing official can also approve a report and direct that an advisory letter be sent to provide the filer with guidance for future reports. All letters of inquiry are prepared for the Chair's signature on Committee letterhead stationery. The Chair has authority to revise or waive a letter of inquiry and approve a report.

INSTRUCTIONS FOR COMPLETING EACH PART

I. Positions

Only information pertaining to the reporting person is required in this Part.

In this Part a complete listing is required of all positions held by the reporting person as an officer, director, executor, administrator, trustee, guardian, custodian, or similar fiduciary, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. Disclose your position even if you are not compensated and even if neither you nor a member of your family has any financial interest in the entities herein listed. Please note that positions held are reported in this Part while assets owned or held are reported in Part VII. **You need not report any positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature. Section 102(a)(6)(A).**

In completing this Part, for annual Reports, the reporting period consists of the calendar year preceding the date of the Report, and the time to the date of the Report. Section 102(a)(6)(A). For initial and final Reports, refer to Appendices I and II, respectively, of these Instructions.

An interest as a limited partner in an investment partnership, if you have no managerial responsibilities, reflects assets held or owned, but not a position held. The position as such a limited partner need not be reported in Part I, but the interest must be disclosed in Part VII.

For Article III judges, bankruptcy judges, and magistrate judges, the Codes of Conduct for United States Judges specify additional constraints on the positions that may be held. See especially Canon 5. Part-time magistrate judges are governed by special rules as provided in 28 U.S.C. § 632(b) and the Guide to Judiciary Policies and Procedures, Volume II, Chapters I and III.

Additional information--e.g., an opinion from the Committee on the Codes of Conduct, or approval from a Judicial Council--that bears on the question whether a position presents a potential conflict of interest problem or problem under the Code of Conduct for United States Judges should be provided in Part I or Part VIII or on an attached page.

If you did not hold any reportable positions at any time during the reporting period, check the "None" box rather than leaving Part I blank.

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of Instructions.)*

☐ **NONE** (No reportable

POSITION	NAME OF ORGANIZATION/ENTITY
1 Director	Fargo Boys Club
2 Trustee	John Smith III Trust
3	

Notes to filer:

____ *Do you have any reportable positions ? If not, is the NONE box checked?*

____ *Did you provide the full name of the position and the organization?*

____ *Does the position appear to represent a conflict of interest?*

____ *Does the position require a listing of assets in Part VII?*

Commentary

In completing this Part, the reporting period is not always consistent with the reporting period delineated in Block 6 of the heading. For annual reports the reporting period consists of the calendar year of the Report and the current year up to the date of the report.

The positions a filer can hold are normally determined by the filer's status. Each category is affected by the Canons and statutes governing the creation and duties of the position held. Examples are as follows:

Judges

A judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties. "Member of the judge's family means any relative of a judge by blood, adoption, or marriage or any other person treated by a judge as a member of the judge's family." (Canon 5D.)

The duties of a co-trustee, even if nominal, are fiduciary in nature. Canon 5D would seem to rule out service as fiduciary for other than a trust for a member of the judge's family. Even service as a fiduciary for other than a member of the family, covered by the Canon's section on "Effective Date of Compliance," and amended, for federal judges, by action of the Judicial Conference at its April 1975 meeting, seems to contemplate a relationship with an individual. In any event, such a relationship should be terminated unless a substantial interest of the estate or person would thereby be jeopardized. (Advisory Opinion No. 33.)

A judge who, before ascending the bench, served as an executor of the estate of a nonfamily member, or as trustee of a nonfamily trust may, with the approval of the judicial council of the circuit, continue in that capacity if resignation would cause undue hardship to the estate and its beneficiaries, but may not receive compensation for such service. (Compendium § 5.1-3(a) (1997).)

Note: A judge may serve as a part-time special lecturer in law or as a faculty member at a law school. It is necessary for the judge to obtain advance approval from the chief judge of the circuit, or in the case of the chief judge from the judicial council, before engaging in teaching activity. The normal restrictions on extra judicial compensation apply; the compensation must be reasonable in amount, no greater than a similarly situated non-judge would receive for the same service; the 15% cap on outside earned income is applicable; and the payments must be included in Part III of the Report. The teaching duties should not in any way interfere with the performance of judicial duties.

If a judge fails to obtain prior approval of teaching, the approving chief judge has authority to approve teaching for compensation nunc pro tunc if satisfied that the failure was occasioned by excusable neglect, the application would have been approved if timely filed, and other criteria for approval are satisfied. If circumstances do not justify nunc pro tunc approval, the judge's only recourse is to refund the compensation. (Compendium § 35.7 (1997).)

In a partnership engaged in real estate investment, a judge may have a passive investment as a general partner. Canon 5C(2) prohibits active business participation.

Note: In the case of partnerships, the Report should clearly reflect the purpose and the assets of the business, including the percentage owned by the filer. If the partnership owns or trades in securities, individual stocks and transactions should be reported in Part VII.

It is permissible for a judge to be an uncompensated officer or director of a business wholly owned by members of the judge's family. (Compendium § 5.2-3(c)(1997).)

Under Canon 5C(1) a judge may manage investments, etc., but the judge should not personally manage or operate any business, including a farm or ranch. This would not preclude the judge's participation in decisions with respect to the purchase, sale and use of land, the purchase of equipment and supplies, or the sale of farm produce or livestock from a farm or ranch which the judge owns but is operated by a farm manager or hired hand. (Advisory Opinion No. 30.)

A judge may serve as a member of the board of directors of a nonprofit social club, or a nonprofit club whose object is to promote an interest in and to enlighten its membership on important governmental, economic and social issues, provided that (a) the club does not engage in partisan politics and (b) the judge does not take positions on issues which would embarrass the judge in the exercise of judicial duties. (Advisory Opinion No. 15.)

A judge may serve on the board of trustees of a university foundation (no fund-raising involved). (Compendium § 5.3-3(b)(1997).)

Senior judges designated in 5 U.S.C. app. 4, § 502(b), (justices and senior judges) are excluded from the 15% cap on compensation received from approved teaching. Even if the Ethics Reform Act is satisfied, provisions of the Code of Conduct for United States Judges must also be satisfied.

Part-time Magistrate Judges

not

Part-time United States magistrate judges render such service as judicial officers as is required by law. While so serving they may engage in the practice of law, but may not serve as counsel in any criminal action in any court of the United States, or act in any capacity that is inconsistent with the proper discharge of their office. Within such restrictions, they may engage in any other business, occupation, or employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. § 632(b).)

OK

Judicial Employees

a. No covered senior employee, as defined in the "Regulations of the Judicial Conference of the United States Under Title VI of the Ethics Reform Act of 1989 Concerning Outside Earned Income, Honoraria, and Outside Employment," Guide to Judiciary Policies and Procedures, Volume II, Chapter VI, Part H, shall:

(1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation;

(2) permit the use of his or her name by any such firm, partnership, association, corporation, or other entity;

(3) practice a profession which involves a fiduciary relationship for compensation;

(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

(5) receive compensation for teaching, without the prior notification and approval as herein provided.

Note: Senior employees of the Court of International Trade or the Court of Federal Claims must obtain approval from the chief judges of those courts. Senior employees of the Tax Court must obtain approval from the chief judge of the Tax Court. Commissioners and senior employees of the Sentencing Commission shall obtain approval from the Chairman of the

Sentencing Commission. Senior employees of the Administrative Office of the United States Courts must obtain approval from the Director of the Administrative Office.

b. Judicial Employees. A judicial employee may engage in such activities as civic, charitable, religious, professional, educational, cultural, avocational, social, fraternal, and recreational activities, and may speak, write, lecture, and teach. If such outside activities concern the law, the legal system, or the administration of justice, the judicial employee should first consult with the appointing authority. (Code of Conduct for Judicial Employees, Canon 4A.)

c. Federal Public Defenders. A defender employee should not engage in the private practice of law. Notwithstanding this prohibition, a defender employee may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the defender employee's family, so long as such work does not interfere with the defender employee's primary responsibility to the defender office. (Code of Conduct for Federal Public Defender Employees, Canon 5D.)

present an appearance of impropriety and does not

II. Agreements

Only information pertaining to the reporting person is required in this Part.

In this Part a complete listing is required of any agreement with respect to:

(a) future employment;

(b) a leave of absence during Government service;

(c) continuation of payments by a former employer other than the United States; and

(d) continuing participation in an employee welfare or benefit plan maintained by a former employer.

Report the date, parties, and terms of the agreement. Section 102(a)(7).

For all Reports, show any such agreements currently in force.

Any additional information--e.g., an opinion from the Committee on Codes of Conduct, or approval from a Judicial Council--that bears upon the question whether an agreement presents a potential conflict of interest problem or problem under the Codes of Conduct for United States Judges should be provided in Part II or on an attached page.

If you did not have any reportable agreements during the reporting period, check the "None" box, rather than leaving Part II blank.

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of Instructions.)*

	DATE	PARTIES AND TERMS
☐	**NONE** (No reportable agreements)	
1	1997	Jones & Smith Retirement Plan with former law firm, no control
2		
3		

Notes to filer:

____ *Do you have any reportable agreements? If not, is the NONE box checked?*

____ *Did you list the date, parties, and terms of the agreement?*

____ *Is the agreement permissible?*

Commentary

Continuation of payments by a former employer other than the United States

It is permissible for judges to receive appropriate payment for their interests in a law firm and compensation for legal services they rendered before becoming judges. (Compendium § 2.7(a)(1997).)

A termination of partnership agreement provides for payment of an agreed amount representing the retiring partner's interest and some of these payments can be paid in years following the partner's appointment as a United States judge. (Advisory Opinion No. 24.)

The Committee on Codes of Conduct is of the opinion that when a partner leaves a law firm to become a federal judge, he should, if possible, agree with his partners on an exact amount which he will receive for his interest in the firm, whether that sum is to be paid within the year or over a period of years. (Id.)

Such payments may continue to be made to the judge, provided it is clear (1) that he is not sharing in profits of the firm earned after his departure, as distinguished from his sharing in amount representing the fair value of his interest in the firm, including the fair value of his interest in fees to be collected in the future for work done before he left the firm, and (2) the judge does not participate in any case in which his former firm or any partner or associate thereof is active as counsel until the full amount which he may be entitled to receive under the agreement has been paid to him. (Id.)

In addition, it is permissible for the departing judge to share in contingent fees received at the end of litigation, provided a fixed percentage or fixed ceiling is agreed upon, and reasonably reflects the value of services previously rendered by the departing judge. While it is permissible for a judge to share in future contingent fees, the judge should first attempt to reach agreement with his former partners on a fixed sum. (Compendium § 2.7(b) and (b-1)(1997).)

Continuing participation in an employee welfare or benefit plan maintained by a former employer

A judge should recuse in all cases involving members of the former law firm where the judge has left a retirement account in the former law firm's profit sharing trust. If there are frequent recusals, the judge should withdraw the account if feasible. (Compendium § 5.2-4(a) and (a-1)(1997).)

When, long after the judge's departure, additional assets are discovered which should have been transferred to the judge at the time of his departure (e.g. delayed refund under a health insurance plan), there is no ethical impediment to the judge's receipt of the appropriate distribution. (Compendium § 2-7(e)(1997).)

A judge who is a participant in a law firm's KEOGH plan has a financial interest in all of the corporations whose stock is owned by the plan, and must keep informed of the plan's investments, unless the plan is a common fund. (Compendium § 3.1-1(i)(1997).)

A law firm's KEOGH plan or 401 (k) plan which is managed by the firm or a small number of participants, and for which the judge has ready access to investment information does not qualify for the "common fund" exception. However, a law firm's retirement qualifies for the "common fund" exception where 1) the interest is indirect (due to the number of participants and the size and diversity of investments, 2) directed investment by participants is not available, and 3) the participants do not know about a fund's portfolio. (Compendium § 3.1-3(c).)

Other Employment

Part-time United States magistrates render such service as judicial officers as is required by law. While so serving, they may engage in the practice of law and, within certain restrictions, engage in any other employment which is not consistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. § 632.)

A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge: (1) is not required to comply with Canons 5C(2), D, E, F, and G, and Canon 6C; (2) except as provided in the Conflict-of-Interest Rules for Part-time Magistrate Judges, should not practice law in the court on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves, or act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.

A judge should require law clerks to keep the judge reasonably informed of their future employment plans as required by the Code of Conduct for Law Clerks. A law clerk should have no involvement whatsoever in pending matters handled by a prospective employer when an offer of employment has been made to the law clerk and has been, or may be, accepted by the law clerk. (Advisory Opinions Nos. 74 and 81.)

III. Non-investment Income

Information pertaining to the reporting person and the spouse, as noted, is required in this Part.

A. General Non-investment Income

In this Part report non-investment income from whatever source, including but not limited to these items: compensation for services, including fees, commissions, etc.; income derived from business; royalties; annuities; income from life insurance and endowment contracts; and fixed benefits from vested pension plans. Amounts reported should be net income, except for income derived from a business, can be listed as net or gross, and indicated as such. Section 109(7). Dividends on life insurance policies not held in whole or in part as an investment or for the production of income need not be reported.

Report the source, type, amount or value, of income from any source aggregating $200 or more in value. Honoraria are treated differently. Section 102(a)(1)(A). See Part III B. below. See below for specific exemptions.

For spouses, report the source of items of earned income from any person which exceeds $1,000 and the source and amount of any honoraria which exceed $200. If the spouse is self-employed in business or a profession, the nature of such business or profession should be reported. Section 102(e)(1)(A).

To indicate that income was earned by your spouse (and hence that the amount need not be shown), add to the identification the parenthetical "(S)."

You are not required to disclose in Part III the following:

- compensation for current employment by the United States. Section 102(a)(1)(A).
- income that from a single source did not aggregate $200 or more during the reporting period. Section 102(a)(1)(A).
- the amount of the spouse's "earned income", or any information about that "earned income" that from a single source did not aggregate more than $1,000 during the reporting period. Section 102(e)(1)(A).
- any information about dependent children's non-investment income. Section 102(e)(1)(A).

- information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation or with respect to any income or obligations arising from the dissolution or permanent separation. Section 102(e)(2).

- any political campaign funds, including campaign receipts. Section 102(g).

- income derived from any retirement system under title 5, United States Code (including the Thrift Savings Plan under Subchapter III of Chapter 84 of such title) or any other retirement system maintained by the United States for officers or employees of the United States. Section 102(i)(1).

- benefits received from Social Security. Section 102(i)(2).

- death benefits under insurance policies, gifts, inheritances, tort recoveries and other compensation for injuries and sickness, disability compensation, and veteran's benefits.

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of Instructions)*

	DATE	SOURCE AND TYPE	GROSS INCOME (Yours, not spouse's)
☐	NONE (No reportable non-investment income)		
1	1998	Evans County School District (S)	$
2	July 1998	Idaho Law School, Seminar (3 weeks)	$ 3,500
3			$

Notes to filer:

____ *Do you have any reportable non-investment income over $200.00?*

____ *Does your spouse have any reportable non-investment income over $1000.00?*

____ *If no reportable income, is the NONE box checked?*

____ *Is the date, source, type, and amount for your reportable income reported? If spouse's income, is the parenthetical "(S)" placed in the column under Source and Type?*

____ *Is the income subject to the 15% limitation ($20,505) for 1998?*

____ *Is the income an honorarium or reported as such?*

Commentary

Although various types of non-investment income have been listed, some elaboration on several sources of income may be useful to provide a clearer distinction between non-investment and investment income.

No income should be disclosed in this part if it is derived from an investment asset that should be reported in Part VII. Sources of royalty payments include publications and oil, gas, and mineral interests. It should be noted that an interest in the real property from which these oil, gas, or mineral interests are derived should be disclosed in Part VII like any other investment property. Annuities and any other types of retirement income should be reported if they represent defined benefits from a vested pension plan. Retirement income from IRAs or other investment funds that varies due to the performance of the individual assets should be reported in Part VII since it represents income from an investment asset.

Ordinarily, income from life insurance policies need not be reported because most insurance policies are not held as investments or for the production of income. Policy dividends that reduce premiums or provide additional or paid-up insurance are not treated as income. Dividends or other income from life insurance policies, received in excess of $200, which are reportable for income tax purposes, should be disclosed in this part. Several types of insurance policies that probably require reporting are "universal," "variable life," or "universal variable life."

Special attention will be given to the review of nomination and initial Reports. The filer must report compensation, other than from the United States Government, in excess of $5,000 in any of the two calendar years prior to the calendar year during which a first Report is filed.

B. Outside Employment and Honoraria

Special attention should be given to regulations relating to Outside Employment and Honoraria at Appendix III.

Covered Senior Employees

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, covered senior employees, other than justices of the United States who retired from regular active service under Section 371(b) of title 28, United States Code; judges of the United States who retired from regular active service under Section 371(b) of title 28, United States Code and who have met the requirements of subsection (f) of Section 371(b) of title 28, United States Code, as certified in accordance with such subsection; and,

justices and judges of the United States who retired from regular active service under Section 372(a) of title 28, United States Code, who receive compensation for teaching, are prohibited from:

- Receiving more than 15% of the pay rate for Executive Level II in earned income from outside employment if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant (See 5 U.S.C. § 5313 for the pay rate for Executive Level II). 5 U.S.C. app. 4 § 501(a)(1). Those covered by the provisions of this Act for only a portion of a year, must pro-rate the 15% on the basis of the number of days the person will actually work in that calendar year. 5 U.S.C. app. 4, § 501(a)(2).

- Being affiliated with or being employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation, serving for compensation as an officer or member of the board of any association, corporation, or other entity. 5 U.S.C. app. 4, § 502.

- Receiving compensation for teaching without prior notification and approval from the appropriate official, if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant. See Section 5 of Appendix III for the procedures for requesting approval. 5 U.S.C. app. 4, § 502.

NOTE: Covered senior employees are defined by Judicial Conference approved regulations as all judicial officers (except for part-time magistrate judges), commissioners and staff of the Sentencing Commission, the Director and Deputy Director of the Administrative Office of the United States Courts, and senior employees of the Administrative Office of the United States Courts serving at the pleasure of the Director (Schedule C status).

Judicial Officers and All Employees

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, all judicial officers and all employees of the judicial branch are prohibited from accepting honoraria for any "appearance, speech, or article." Actual and necessary travel expenses incurred by the person and one relative are not deemed to constitute honoraria. 5 U.S.C. app. 4, § 501(b).

- No Judicial officer or employee of the judicial branch (except for part-time magistrate judges), may accept honoraria, but a payment may only be made on behalf of such officer or employee to a charitable organization in lieu of the honorarium, so long as the payment does not exceed $2,000, and is not made to a charitable organization from which the filer or the filer's parent, sibling, spouse, child, or dependent relative derives any financial benefit. 5 U.S.C. app. 4, § 501(b) and (c). In such instances, the filer should report the source, date, and amount of payments made to charitable organizations in lieu of honoraria and shall simultaneously file with the Committee on Financial Disclosure, on a confidential basis, a corresponding list of recipients of all such payments together with their dates and amounts. Section 102(a)(1)(A).

C. General Provisions

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(1)(A). For initial and final Reports, see Appendices I and II, respectively, for the appropriate reporting periods.

If neither you nor a spouse had any reportable income during the reporting period, check the "None" box rather than leaving Part III blank.

Commentary

Contained within these Instructions and Appendix III are detailed instructions and regulations relating to limitations imposed on certain judicial officers and employees with respect to certain types of outside employment and income. Several important guidelines need to be emphasized for the benefit of the reviewing official.

Covered senior employees (defined in the cited appendix) are prohibited from receiving more than 15% of the pay rate for Executive Level II (currently $136,700) in earned income from outside employment. The limitation for 1998 is $20,505. However, senior judges who receive compensation for teaching, part-time magistrate judges, officers and employees of the Supreme Court, and employees of the Federal Judicial Center are exempted as to teaching income and are not restricted to this outside income limitation.

In addition, all judicial officers and all employees of the judicial branch (except for part-time magistrate judges) are prohibited from accepting honoraria for any "appearance, speech, or article." Any filer listing honoraria will be questioned for clarification and may eventually be referred to the Committee on Codes of Conduct for an advisory opinion.

Frequently, difficulty arises for the reviewing official and staff auditor concerning what constitutes outside earned income (which is attributed solely to the filer and not to the spouse). The following lists common examples of compensated activities which are subject to the calendar year income limitation, less the ordinary and necessary expenses paid or incurred in producing the income:

(1) teaching,
(2) serving as trustee of a family trust or executor of a family estate, and
(3) writing.

In addition, the following common examples do not constitute outside earned income and have no limitations imposed on the filer:

(1) pensions, annuities, and deferred compensation for services rendered prior to becoming a judicial officer or senior employee,
(2) investment funds,
(3) funds received from a family owned business,
(4) publication royalties, fees, and their functional equivalent, and
(5) compensation received by a senior judge for teaching.

Advisory Opinion Number 86, "Honoraria, Teaching, and Outside Earned Income Limitation," provides detailed interpretation on these issues and may serve as a helpful guideline. In addition, the following are summaries contained in Compendium, Sections 31-35 (1997), concerning recent advice given by the Committee on Codes of Conduct in response to confidential inquiries:

Outside Earned Income Limitation

(1) Where service as a family fiduciary involves work performed over several years but fee is paid in a single year, it is consistent with the statute and regulations for the judge, in applying the 15% cap, to allocate the amount of the fee over the several years. (Compendium § 33.1(a) (1997).)

(2) Flat fee of $250 received by judge from a publisher for writing a chapter in a publisher's treatise is not excludable from the definition of outside earned income. The payment is a fixed and unconditional cash payment for a manuscript that is wholly unrelated to the sales or distribution of the publication. Thus, the fee is subject to the 15% cap. (Compendium § 33.2-5(a) (1997).)

(3) Where judge serves as editor-in-chief of a law journal and receives a royalty of 15% of the net cash receipts from the sale of the publication, the amount is considered a royalty and thus not subject to the 15% cap. (Compendium § 33.2-5(b) (1997).)

(4) Outside earned income is attributed solely to the actual earner regardless of community property laws. (Compendium § 33.3 (1997).)

Prohibition on Receipt Of Honoraria

(1) It is a violation of the statute and regulations for a law clerk to write an article for compensation during clerkship even though publication of the article and receipt of the honorarium occur after the clerkship ends. (Compendium § 34(a) (1997).)

(2) Fee for performing wedding is not an honorarium. However, a judge is barred from accepting additional compensation for performing judicial activities. (Compendium § 34.1(a) (1997).)

(3) Reimbursement of travel expenses for judge and one relative does not constitute an honorarium. (Compendium § 34.1(b) (1997).)

(4) Where a judge's paper for a continuing legal education program was later published and later still won $3000 cash award at sponsor's annual award program, the award is not a payment for the speech or article and thus not an honorarium. An after-the-fact award based on merit for scholarly work is an award in recognition. (Compendium § 34.1(d) (1997).)

(5) Compensation for teaching a seminar for prospective law students and preparation of course materials does not constitute an honorarium. (Compendium § 34.1-2(d) (1997).)

(6) Fee received by judge as editor-in-chief of a law journal is not an honorarium, but rather compensation for a writing more extensive than an article. (Compendium § 34.1-3(a) (1997).)

Limitations On Outside Employment

(1) Serving as a fiduciary of a family estate or trust as permitted by Canon 5D of the Codes of Conduct does not constitute practicing a profession involving a fiduciary relationship. (Compendium § 35.3(a) (1997).)

(2) Service for compensation as editor-in-chief of a bankruptcy law journal is not the equivalent of being an officer or member of the board of an entity, and thus is not barred by this section. (Compendium § 35.4(a) (1997).)

(3) A judge cannot receive compensation for service as family fiduciary where the trust directs the operating policy of a charity because that would be the functional equivalent of serving as an officer or member of the board of directors. However, it is acceptable for the judge to serve as family fiduciary charged only with duties normally exercised by a family fiduciary. Compensation received is subject to the 15% cap. (Compendium § 35.4(b) (1997).)

(4) A judge's status as partner of a family partnership or shareholder of a family corporation is not the equivalent of serving as officer or member of the board of an entity, and thus the financial return to the judge as partner or shareholder is not prohibited. (Compendium § 35.4(c) (1997).)

(5) Where a judge failed to obtain prior approval of teaching, Chief Judge has authority to approve teaching for compensation nunc pro tunc if satisfied that the failure was occasioned by excusable neglect, the application would have been approved if timely filed, and other criteria for approval are satisfied. If circumstances do not justify nunc pro tunc approval, the judge's only recourse is to refund the compensation. (Compendium § 35.7(a) (1997).)

IV. Reimbursements of Transportation, Lodging, Food, Entertainment

Information pertaining to the reporting person and a spouse and dependent children, as noted, is required here.

In this Part report information about reimbursements received by you, your spouse and dependent children, exclusive, however, of any items received by them totally independent of their relationship to you. Sections 102(a)(2)(A) and (C); and 102(e)(1)(C) and (D). For initial Reports, there are separate rules for completing this Part, found at Appendix I of these Instructions.

A reimbursement means any payment or other thing of value, other than gifts, to cover travel related expenses. Section 109(15).

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(2)(B). For final Reports, see Appendix II for the appropriate reporting period.

In this Part, provide:

the identity of the source and a brief description (including location, dates, and nature of expenses provided) of reimbursements received from any source aggregating $250 or more in value. Section 102(a)(2)(B).

You are not required to report in Part IV:

- food, lodging, or entertainment received from a relative. Section 102(a)(2)(A).
- food, lodging, or entertainment received as personal hospitality. Section 102(a)(2)(A).
- reimbursements received by your spouse and dependent children, independently of their relationship to you. Section 102(e)(1)(C) and (D).
- reimbursements received in a period when you were not an officer or employee of the Federal Government. Section 102(h).
- food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States, the District of Columbia, or a state or local government or political subdivision thereof; food and beverages not consumed in connection with a gift of overnight lodging; Section 109(5).

- reimbursements provided by the United States, the District of Columbia, or a state or local government or political subdivision thereof; required to be reported under 5 U.S.C. § 7342; or required to be reported under 2 U.S.C. § 434. Section 109(15).

Relative means one who is related to the reporting person, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting person, and shall be deemed to include the fiance or fiancee of the reporting person. Section 109(16).

Personal hospitality means hospitality extended for a nonbusiness purpose by one, not a corporation or organization, at the personal residence of that person or his family or on property or facilities owned by that person or family. Section 109(14).

Use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements received by your spouse and dependent children, respectively.

Beginning on January 1, 1991, in accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, officers and employees are prohibited from soliciting or accepting anything of value from a person seeking official action from, doing business with, or whose interests would be substantially affected by, the performance or nonperformance of official duties. 5 U.S.C. § 7353. This prohibition applies to all reimbursements and gifts covered in Parts IV and V of the Financial Disclosure Report.

If you, your spouse, and your dependent children did not receive any reimbursements reportable in Part IV, check the "None" box rather than leaving Part IV blank.

IV. REIMBURSEMENTS --transportation, lodging, food, entertainment.
(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements received by spouse and dependent children, respectively. See pp. 25-27 of Instructions.)

☐ **NONE** (No such reportable reimbursements)

	SOURCE	DESCRIPTION
1	Staley Foundation	June 15 - Haymarket, VA, Mtg of Board of Directors (Transportation, Meals, and Room)
2	FREE Foundation	Aug. 7-14 - Butte, MT - Environmental Seminar (Travel, Housing, Food, and Tuition)
3	VA CLE	Nov 7 - Williamsburg, VA - TAX CLE Seminar (Transportation, Food, and Hotel)

Notes to filer:

____ *Do you, your spouse, or any dependent child have any reportable reimbursements or expense paid education or other trips? If not, is the NONE box checked?*

____ *Did you identify the source of the reimbursement, and provide a brief description including location, dates, and nature of expenses?*

____ *Can the reimbursement be accepted by you, your spouse, or dependent child?*

Commentary

The following opinions issued by the Committee on Codes of Conduct provide guidance on issues associated with this part.

Attendance of judges and their spouses as guests at bar association dinners is proper, and a judge may accept reimbursement for the judge's or the judge's spouse's travel and hotel expenses to attend such a dinner sponsored by lawyer organizations even when the judge does not speak or render other services at the function. (Advisory Opinion No. 17.)

Although mere attendance (along with others similarly situated) without paying a registration fee would not create an appearance of impropriety, it would create an appearance of impropriety for employees of the Administrative Office to accept from a legal publishing firm a gift of transportation, lodging and meals in connection with a professional training program sponsored by the firm. (Compendium § 2.9(b) (1997).)

A judge participating as a faculty member in a two-week seminar of general interest organized on a nonprofit basis and financed by tuition and subsistence payments by nonfaculty attendees may accept reimbursement for the judge's and the judge's spouse's travel and subsistence expenses. (Advisory Opinion No. 3.)

A judicial employee may receive compensation and reimbursement of expenses for outside activities provided that receipt of such compensation and reimbursement is not prohibited or restricted by this Code, the Ethics Reform Act, and other applicable law, and provided that the source or amount of such payments does not influence or give the appearance of influencing the judicial employee in the performance of official duties or otherwise give the appearance of impropriety. Expense reimbursement should be limited to the actual cost of travel, food and lodging reasonably incurred by a judicial employee. (Code of Conduct for Judicial Employees, Canon 4E.)

V. Gifts

Information pertaining to the reporting person and the spouse and dependent children, as noted, is required in this Part.

In this Part report information about gifts other than transportation, lodging, food or entertainment aggregating $250 or more in value received by you, your spouse and dependent children from any source other than a relative during the preceding calendar year. Gifts from separate sources with a fair market value of $100 or less need not be aggregated to determine if the $250 reporting threshold has been met. Section 102(a)(2)(A).

A gift is a payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor. Section 109(5).

If you have been extended an honorary membership in an organization and you avail yourself of the privileges, rights, etc., to a substantial degree, and the dues are in excess of $250 a year, you must report the honorary membership in this Part.

You are not required to disclose information about:

- gifts received from a relative. Section 102(a)(2)(A).
- gifts received by a spouse and dependent children, totally independent of their relationship to you. Section 102(e)(1)(C).
- gifts received in a period when you were not an officer or employee of the Federal Government. Section 102(h).
- gifts that are bequests and other forms of inheritance. Section 109(5)(A).
- communications to the offices of a reporting person, including subscriptions to newspapers and periodicals. Section 109(5)(E).
- suitable mementos of a function honoring the reporting person. Section 109(5)(B).

Use the parentheticals "(S)" and "(DC)" to indicate gifts received by your spouse and dependent children, respectively.

If you, your spouse, and your dependent children did not receive any gifts reportable in Part V, check the "None" box rather than leaving Part V blank.

For the definition of relative, refer to Part IV of these Instructions.

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(2)(A). For initial and final Reports, see Appendices I and II, respectively, for the appropriate reporting period and rules.

V. GIFTS. *(Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate gifts received by spouse and dependent children, respectively. See pp.28-31 of Instructions.)*

☐ **NONE** (No such reportable gifts)

	SOURCE	DESCRIPTION	VALUE
1	Former Law Clerks	Painting - 20th Anniversary on Bench	$ 325.00
2	The Executive Club	Honorary Membership (dues, like privileges)	$ 1200.00
3			$

Notes to filer:

____ *Do you, your spouse, or any dependent child have any reportable gifts other than transportation, lodging, food, or entertainment? If not, is the NONE box checked?*

____ *Did you list the identity of the source, a description of the gift, and the actual dollar value?*

____ *Can the gift be accepted?*

Commentary

If stock is listed as a gift, the stock should also be reported in Part VII, Investments and Trusts.

The value of a gift is shown by a dollar amount, not by a value code.

If the gift is from an individual, the individual must be specifically named. It is not acceptable to identify the source of the gift as "boyfriend," "girlfriend," "friend," or "significant other."

The following opinions issued by the Committee on Codes of Conduct provide guidance on issues associated with this part.

Investitures and Similar Ceremonies

(a) It is permissible for a judge to accept a gavel and a $500 gift from a former client on the occasion of the judge's investiture. (Compendium § 5.4-2(a) (1997).)

(b) It is permissible for a judge to accept a gavel and a contribution toward the cost of the reception from a local bar association on the occasion of the judge's investiture. (Compendium § 5.4-2(b) (1997).)

(c) It is permissible for a judge to accept leather notebook and pen from Law Institute as a memento of a judge's presentation. (Compendium § 5.4-2(c) (1997).)

(d) It is permissible for a judge to be the guest of honor at a public dinner arranged by former law clerks, attended by lawyers and other members of the public, as well as the law clerks. The law clerks should make clear on the invitations and other papers relating to the dinner, not only the fact that the dinner is sponsored solely by present and former law clerks, but that the amount paid by other attendees is solely to cover the cost of the dinner, that no fund-raising activity is involved, and that no part of the amount paid for the dinner will be employed in the purchase of a gift for the honoree. (Compendium § 5.4-5(c) (1997).)

Gifts on Special Occasions

(a) A judge may accept a gift of a trip aboard a cruising ship (costing about $1500) on the occasion of his 20th anniversary as a United States judge where the donees consist exclusively of persons who have worked directly with him (i.e., law clerks, secretaries, courtroom deputies, and court reporters), there are a sufficient number of donees that no individual contribution to the gift is unusually large, and the judge is not made aware of the amounts contributed by the respective donees. (Compendium § 5.4-7(a) (1997).)

(b) On occasion of taking senior status, judge may accept gift from law clerks of golfing trip. (Compendium § 5.4-7(b) (1997).)

(c) It is not improper for former law clerks to solicit funds from other law clerks to establish scholarship in honor of retiring judge. The Judge and present law clerks should not solicit. (Compendium § 5.4-7(c) (1997).)

(d) It would create an appearance of impropriety for a judge to permit a for-profit company to host a reception following the judge's investiture, where the judge had no pre-existing relationship with the company, would not otherwise have been required to recuse, and the circumstances would convey the impression that the company was in a special position to influence the judge. (Canon 2B and Compendium § 2.10(c) (1997).)

Miscellaneous Gift Rulings

(a) It is permissible to accept books from West Publishing Company for official use. (Compendium § 5.4-Z(a) (1997).)

(b) It is permissible for a judge's children to accept scholarships awarded on the same terms and based on the same criteria applied to other applicants. (Compendium § 5.4-Z(b) (1997).)

(c) Gifts from a friend not prohibited where friend not likely to ever appear in judge's court. (Compendium § 5.4-Z(c) (1997).)

(d) It is permissible for a judge to attend, and accept hospitality at bar association events and meetings of other organizations devoted to improvement of the law, legal system, or the administration of justice. With respect to attendance at cocktail parties hosted by law firms in connection with bar meetings, judicial conferences, and the like, there is no impropriety in a judge accepting such invitations in the absence of reason to believe that such attendance will reasonably reflect unfavorably on the judge's impartiality or is likely to be exploited by the law firm. (Advisory Opinion No. 17.)

(e) It is permissible for judges to attend bar association events such as receptions where a legal publishing firm has donated the hors d'oeuvres and beverages to the bar association. It is not appropriate, however, for a group of judges or judicial personnel to allow a legal publishing firm or other vendor doing business with their court to donate food and beverages for a meeting of the judges or judicial employees. (Compendium § 2.9(a) (1997).)

Honorary/Reduced-Rate Memberships

(a) It is permissible for a judge to accept a free membership in a country club, including a waiver or reduction in the initiation fee, or to accept a free or reduced membership in a YMCA if it is customary in that community, similar privileges are extended to other public officials, the interests of the organizations have not and are not likely to come before the judge, and the judge is satisfied that the membership is not being used by the organization to promote its endeavors. (See Advisory Opinion No. 47.)

(b) It is permissible for a judge to accept a free membership in the "American Board of Trial Advocates," the organization being devoted to the improvement of the law. (Compendium § 5.4-1(b) (1997).)

(c) It is permissible to accept free membership in a local bar association. (Compendium § 5.4-1(c) (1997).)

VI. Liabilities

Information pertaining to the reporting person, spouse, and dependent children is required in this Part.

In this Part list all of your, your spouse's and dependent children's liabilities to any creditor other than a spouse, parent, brother, sister, or child, which exceeded $10,000 at any time during the reporting period. Sections 102(a)(4) and 102(e)(1)(E).

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(4). For initial and final Reports, see Appendices I and II, respectively, for the appropriate reporting periods.

In this Part, list the identity and category of value of each liability. The identity includes the name of the creditor and a description of the liability. Section 102(a)(4). To assist the reviewer, liabilities should be listed in the same order as in the previous Report.

The category codes for the amount owed as of the end of the reporting period are shown on the Report and are as follows:

J -	$15,000 or less	P1 -	$1,000,001 to $5,000,000
K -	$15,001 to $50,000	P2 -	$5,000,001 to $25,000,000
L -	$50,001 to $100,000	P3 -	$25,000,001 to $50,000,000
M -	$100,001 to $250,000	P4 -	more than $50,000,000
N -	$250,001 to $500,000		
O -	$500,001 to $1,000,000		

Section 102(d)(1).

The reporting requirement relates to obligations that at any time during the reporting period exceeded $10,000, but the amount to be shown by the category code is the amount owed as of the end of the reporting period.

In the creditor section, indicate, where applicable, the person responsible for the liability with the parenthetical "(S)" for separate liability of spouse, "(J)" for joint liability of the reporting person and spouse, or "(DC)" for liability of a dependent child.

You are not required to report:

- any liability owed to a spouse, parent, brother, sister, or child. Section 102(a)(4).

- any mortgage secured by real property which is a personal residence of you or your spouse. Section 102(a)(4)(A).

- any loan secured by a personal motor vehicle, household furniture, or appliances that does not exceed the purchase price of the item securing the liability. Section 102(a)(4)(B).

- any information with respect to a spouse living separate and apart from you with the intention of terminating the marriage or providing for permanent separation or with respect to any income or obligations arising from the dissolution of the marriage or permanent separation. Section 102(e)(2).

- any revolving charge account whose balance did not exceed $10,000 as of the close of the preceding calendar year.

- political campaign funds, including campaign receipts and expenditures. Section 102(g).

- any liability which is the sole liability or responsibility of the spouse or child; which is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of investments and trusts, see the Instructions for Part VII.

If you, your spouse, and your dependent children did not have any reportable liabilities, check the "None" box rather than leaving Part VI blank.

VI. LIABILITIES. *(Includes those of spouse and dependent children; indicate, where applicable, person responsible for liability by using the parenthetical "(S)" for separate liability of the spouse, "(J)" for joint liability of reporting individual and spouse, and "(DC)" for liability of a dependent child. See pp. 32-34 of Instructions.)*

	CREDITOR	DESCRIPTION	VALUE CODE*
☐	**NONE** (No reportable liabilities)		
1	Old National Bank	Credit Card	L
2	NationsBank	Mortgage on Rental Prop. #1, Alexandria, VA (Pt VII, line 2)	M
3			

*Value Code: J=$15,000 or less, K=$15,001-$50,000, L=$50,001-$100,000, M=$100,001-$250,000, N=$250,001-$500,000, O=$500,001-$1,000,000, P1=$1,000,001-$5,000,000, P2=$5,000,001-$25,000,000, P3=$25,000,001-$50,000,000, P4=$50,000,001-or more

Notes to filer:

____ *Do you, your spouse, or dependent child have any reportable liabilities over $10,000?*

____ *Did you list the identity of the creditor, a description of the liability, and a value code for the amount?*

____ *If a mortgage is listed, is there a corresponding entry for the property in Part VII?*

VII. Investments and Trusts

Information pertaining to the reporting person, spouse, and dependent children is required in this Part.

1. General

In this Part a complete listing is required of reportable assets owned by the reporting person, spouse, and dependent children. **Each asset must be individually listed and identified except as may be specifically provided otherwise (see Part 6 Trusts below).** Bank or brokerage house reports are not acceptable for compliance with these reporting requirements unless they succinctly contain all necessary information without requiring the reader to perform calculations or select out necessary data from a larger body of information. For initial Reports, there are separate rules for completing this Part, found at Appendix I of these Instructions.

Report assets held during the preceding calendar year in a trade or business, or for investment or the production of income, which have a fair market value in excess of $1,000 at the end of the year or from which you received income in excess of $200 during the preceding calendar year. Sections 102(a)(3) and 102(a)(1)(B).

You are not required to report:

- Investments in the Thrift Savings Plan. Section 102(i)(1)(A).
- Any property, real or personal, not held in a trade or business, or for investment or the production of income. As examples, you need not report a private residence or personal automobiles. Section 102(a)(3).
- Any personal liability owed to you, your spouse, or dependent children by a spouse, or by a parent, brother, sister, or child of you or your spouse. Sections 102(a)(3) and 102(e)(1).
- Accounts in a financial institution (any form of deposit in a bank, savings and loan association, credit union or similar financial institution), unless the aggregate amount of income for all an individual's income producing accounts at the institution for the reporting year is in excess of $200, or the aggregate value at the end of the reporting year of all such income producing accounts is more than $5,000. If either condition is met, each such account must be separately reported. Sections 102(a)(1)(B) and 102(a)(3).
- Asset information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation. Section 102(e)(2).

- Political campaign funds, including campaign receipts and expenditures. Section 102(g).

- In Part VII, information associated with property which is the sole financial interest or responsibility of the spouse or child; which is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of liabilities, see the Instructions for Part VI.

To help reporting persons in instances where a position held in an economic entity may have a bearing on reporting requirements, the following should be used as guidance:

> When a Financial Disclosure Report contains information reflecting a filer's interest in a partnership or other business enterprise, the filer must disclose the assets held by the business entity if a filer can direct, influence or in any other manner affect the purchase, exchange, sale or disposition of the entity or property owned by the entity, or when the filer can influence policy decisions which affect the purchase, exchange, sale or disposition of the entity or of property which it owns.

For annual Reports, the reporting period is the calendar year preceding the date of the Report. Section 102(a)(1)(B). For final Reports, see Appendix II for the appropriate period.

If you, your spouse, and your dependent children did not have assets subject to reporting, check the "None" box rather than leaving Part VII blank.

Commentary

Investment income is to be contrasted with earned income. The crucial factor is the filer's services. If the filer's services are a material factor in the production of income, it is earned income and should be reported in Part III. However, limited partners usually receive investment income from the partnership, since they normally do not perform services for the partnership. Investment income includes returns on investments rather than compensation for personal services. It includes income derived from all forms of property, such as securities, funds, accounts, real estate, partnerships, joint ventures, businesses, and interests in trusts and estates.

When determining whether or not an investment asset should be reported, either the income threshold (in excess of $200 during the preceding calendar year) or the value threshold (in excess of $1,000) at the end of the year is sufficient to require reporting. For accounts in a

financial institution, assets must be in excess of $5,000 or produce income in excess of $200. It has been a fairly common misconception from filers that both thresholds must be met before an asset is required to be disclosed.

Normally, any information pertaining to a personal residence is exempted from reporting. However, a second personal residence (e.g., a weekend or vacation home) should be reported if rental income is received for the use of the property.

The reporting of accounts in a financial institution does require some clarification since the Committee changed some of the language for the calendar year 1994 Instructions. If the aggregate amount of income for all of an individual's accounts or the value of all such income producing accounts exceeds the established thresholds, then each such account must be separately reported for each individual. It is important to apply the "threshold test" separately to each individual owner of the accounts, which would include the following:

(1) accounts individually owned by filer,

(2) accounts individually owned by spouse,

(3) accounts individually owned by dependent child, and

(4) accounts jointly owned by filer and spouse or dependent child.

It should be understood that a reporting exemption for failure to meet a threshold amount, or for any other reason, does not affect any inquiry or recusal obligation under the Code of Conduct for United States Judges.

2. Description of Assets

In completing Part VII, a separate description of each asset listed is required. To assist the reviewer, assets should be listed in the same order as in the previous Report. Each asset reported should be described in sufficient detail so the reader can tell what the property is. As examples:

- For stocks, bonds, and other securities indicate the type of the holding, "common," etc., and its name. Commonly understood abbreviations are permitted.

- For an account within a financial institution, give sufficient information so that it can be identified. Aggregate information may be provided for accounts in each financial institution.

- For notes or accounts receivable, indicate the nature of the receivable and the name of the debtor(s).

- For each real estate interest, indicate the general geographic location, such as city or county and state. If more than one parcel of real estate is owned in the same geographic area, you may identify each parcel by number, i.e., Parcel 1, 2, 3, etc., rather than identifying each parcel by street address, lot, or block number.

- For an interest in a trust, indicate the nature of the interest (e.g., "income beneficiary"), the name (if any) of the trust, and the name and location of the trustee.

- For an interest in a mutual fund or pooled or common trust fund administered by an independent financial or brokerage institution, furnish the name of the fund.

At times, reporting persons inadvertently omit the listing of assets, and correct the previous year's errors in the following year's Report. Also, assets which were reported in one year may fail a qualifying requirement (such as a value of $1,000) in the following year and thus are not reported. When this occurs, put an explanatory item in Part VII or in Part VIII, with a reference in Part VII to avoid a letter of inquiry.

In addition, identify with a parenthetical "(X)" assets which have been previously exempt from disclosure and now are reportable. The parenthetical "(X)" should also be used to identify an asset that meets the reporting threshold and is other wise exempt from the reporting requirements for gift under Part V. This should preclude a letter of inquiry from the Committee.

In the Description section of Part VII (Column A), indicate, where applicable, the owner of the listed asset with the parenthetical "(J)" for joint-ownership by the reporting person and spouse, "(S)" for separate ownership by spouse, or "(DC)" for ownership by dependent child.

The reporting of a position in Part I as trustee, executor, administrator, custodian, or any similar position requires a listing in Part VII of the assets involved if either you, your spouse, or any of your dependent children (1) has a beneficial interest in the estate or fund with which you are associated, or (2) controls the purchase, sale, or other disposition of the estate or fund.

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 35-53 of Instructions.)*

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
☐ **NONE** (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)									
2 Rental Property #1, Alexandria, VA (1995 $200,000) (J)									
3 NationsBank (IRA) (CDs)									
4 Cabin Creek National Bank Stock (X)									
5 Court Employee Federal Credit Union IRA (Cash Equivalent)									
6 Fidelity Magellan Mutual Fund (DC)									
7 NY State Urban Dev. Corp. Muni. Bond									
[illegible]									

Notes to Filer:

____ *Do you identify the asset in Column A in sufficient detail to clearly identify the type of property? If no assets are listed, is the NONE box checked?*

____ *If a real estate interest is listed, is the city or county and state listed?*

____ *If a financial institution is listed, is the institution clearly identified?*

____ *If a note or account receivable is listed, are the debtor names and the nature of the debt described?*

____ *If a gas, oil, or mineral interest is listed, do you identify the city or county and state and the name of the energy company or other payor of royalties, working interests, or rentals?*

____ *Do you clearly identify stocks, bonds, specific mutual funds and the underlying assets of IRAs and brokerage accounts?*

____ *If the asset was not listed on the previous report, do you include transactional information in Column D or a parenthetical "(X)" in Column A denoting that the asset was exempt from disclosure on the previous report?*

____ *Did you properly identify the ownership of an asset and is that asset consistent with your prior report?*

____ *If you listed a position in Part I as trustee, administrator, custodian, etc., is the estate or trust listed and the assets therein properly identified?*

Commentary

When listing stocks, bonds, and other securities, the individual name or commonly understood abbreviation should be provided. Stocks should be indicated as "common" or "preferred." Bonds and other securities should have enough detail in the description to differentiate that asset from other similar assets listed. This is particularly helpful for the reviewer and auditor when the filer reports multiple bonds or securities in the same or similar series, or brokerage accounts that lists its accounts in the name of the firm.

When reporting accounts with financial institutions, the type of account does not need to be listed.

When reporting an interest in a mutual fund or common trust fund, only the name of the fund is required. There is no requirement to list the individual assets. An interest in a trust, estate, or similar entity requires the listing of each individual asset unless the exemptions from disclosure of the individual assets in 6. Trusts and Similar Entities are met.

It is important that the owner of each asset be properly identified and be consistent on each Report. In the event of a discrepancy, an explanation should be provided in Part VIII to preclude a letter of inquiry.

The reviewer and auditor will note when an asset appears on the current Report and is not listed on the prior Report and there is no transaction information in Column D. In this situation, the filer should place a parenthetical "(X)" in Column A denoting that the asset was exempt from disclosure in the prior Report.

It is important to recognize that in almost every instance where a filer is a trustee, executor, administrator, custodian etc., the filer has the legal authority and responsibility to exercise control over and manage the assets in a trust or estate. It is this authority based on the filer's fiduciary responsibilities to control the purchase, sale, or other disposition of the assets that requires the filer to list the assets in this Part.

3. Income

In Column B of Part VII, the income from listed assets must be shown. The disclosure of the gross amount and the type of income -- dividends, rent, interest, or income from discharge of indebtedness -- is required. Sections 102(a)(1)(B) and 109(7). All income is reportable, whether taxable, tax deferred, or tax exempt. When no income is received (or there is a loss) Column B1 under Amount should be left blank and the word "NONE" should appear in Column B2 under Type. When some income is received, the appropriate code, reflecting the amount, should be used. If the type of income is not a dividend, rent, interest, or income from discharge of indebtedness, it should be explained either in Part VII or Part VIII. The ranges are required by statute and the coded amounts for income are listed on the reporting form as follows:

A	-	$1,000 or less
B	-	$1,001 to $2,500
C	-	$2,501 to $5,000
D	-	$5,001 to $15,000
E	-	$15,001 to $50,000
F	-	$50,001 to $100,000
G	-	$100,001 to $1,000,000
H1	-	$1,000,001 to $5,000,000
H2	-	More than $5,000,000

Section 102(a)(1)(B).

The same ranges and codes are used to report capital gains associated with transactions in Column D of Part VII. However, capital gains associated with "distributions" should be treated and reported as dividends in Column B.

The income from U.S. Savings Bonds, and similar investments should be reported if the minimum of $200 is reached.

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 35-53 of Instructions.)*

	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1) Amount Code (A-H)	(2) Type (e.g., div., rent, int.)	(1) Value Code (J-P)	(2) Value Method Code (Q-W)	(1) Type (e.g., buy, sell, exchange)	(2) Date Month-Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ **NONE** (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)		NONE							
2 Rental Property #1, Alexandria, VA. (1995 $200,000) (J)	D	Rent							
3 NationsBank (IRA) (CDs)	A	Interest							
4 Cabin Creek National Bank Stock (X)	B	Dividend							
5 Fidelity Magellan Mutual Fund (DC)	B	Dividend							
6 NY State Urban Dev. Corp. Muni. Bond	A	Interest							

Notes to filer:

____ *Do you disclose in Column B the amount and type of income?*

____ *If you indicate "NONE" in Column B(2), did you leave Column B(1) blank?*

Commentary

Column B(1), the income amount code, and Column B(2), the type of income, should both be completed if you have income. If no income was received, Column B(1) should be left blank and the word "None" should appear in Column B(2). When some income is received, then the appropriate income amount code and type should be provided.

The statute lists only four types of income- dividends, rent, interest, or income from discharge of indebtedness. If the filer lists another type, then it should be explained in Part VII or Part VIII.

Some filers question whether to report income from IRAs (Individual Retirement Account) or other retirement or pension plans where they are not actually drawing income from the account. All income should be reported, whether taxable, tax deferred, or tax exempt.

Filers will take special care when disclosing an IRA. They are merely arrangements for holding other investments on a tax-deferred basis. The focus should be placed on the underlying investments which should be disclosed. Many IRAs are invested in cash or cash-equivalent accounts, such as a money market fund or other deposit account in a bank. No further information about these accounts is required to be disclosed. However, if any other type of entity, such as a broker holds IRA assets for a filer, the filer must disclose the underlying holdings in the account. IRAs may contain almost any investment, such as mutual funds, stocks, or bonds. For further reporting details concerning IRAs, see pages 51 and 52.

Other tax-deferred retirement or pension accounts (such as Simplified Employee Pensions-SEPs, Keogh Plans-HR-10, and 403b Plans) are similar to IRAs and are self-directed where the filer has control over the funds. Therefore, the underlying investments should also be disclosed.

4. Value

In Column C, the gross value of the asset at the end of the reporting period is reported. Section 102(a)(3). There are statutory value ranges and a value code on the form. These same values are used for the value of reported assets in Column C and for the value of assets reported in the Transaction part of Part VII, Column D. They are as follows:

J	-	$15,000 or less
K	-	$15,001 to $50,000
L	-	$50,001 to $100,000
M	-	$100,001 to $250,000
N	-	$250,001 to $500,000
O	-	$500,001 to $1,000,000
P1	-	$1,000,001 to $ 5,000,000
P2	-	$5,000,001 to $25,000,000
P3	-	$25,000,001 to $50,000,000
P4	-	More than $50,000,000

Section 102(d)(1).

In addition, the method used for valuation should be reported in Column C. These are coded as follows:

Q -- Appraisal. Indicate in Part VII-A or Part VIII the date of the appraisal.

R -- Cost. This method may be used only for real property or an interest in a real estate partnership. If used, show in Part VII-A or Part VIII the date of purchase and the amount, not just the category code, of the purchase price.

S -- Assessment -- assessed value for tax purposes. If this method is used, show in Part VII-A or Part VIII the amount, not just the category code, of the assessed value and, if the property is assessed at less than 100% of its value, adjust the assessed value to reflect the current value and explain your adjustment.

T -- Cash/Market. The quoted market price of publicly traded stocks and other securities; the face value of interest bearing corporate or municipal bonds or comparable securities; the balance or surrender value of certificates of deposit, savings and checking accounts, money market funds, etc.

U -- Book. The net worth of a proprietorship, partnership interest, or corporate stock according to the books of such entity. This method may be used only for property interests not publicly traded.

V -- Other. Any other recognized indication of value, such as current selling price of a comparable interest. If this method is used, you must describe in Part VII-A or Part VIII the method used.

W -- Estimated. Your good faith estimate of the value of property if its exact value is not known and a more accurate determination of its value cannot be easily obtained by another method.

The gross value of the property should be indicated without reductions for mortgages, etc. References may be made in Part VII to mortgages included in Part VI (Liabilities).

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 35-53 of Instructions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
[illegible]	(1) Amt. Code (A-H)	(2) Type (e.g., div., rent, int.)	(1) Value Code (J-P)	(2) Value Method Code (Q-W)	(1) Type (e.g., buy, sell, merger, redemption)	(2) Date Month Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ **NONE** (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)		NONE	K	T					
2 Rental Property #1, Alexandria, VA (1995 $200,000) (J)	D	Rent	M	R					
3 NationsBank (IRA) (CDs)	A	Interest	J	T					
4 Cabin Creek National Bank Stock (X)	B	Dividend	J	U					
5 Fidelity Magellan Mutual Fund (DC)	B	Dividend	K	T					
6 NY State Urban Dev. Corp. Muni. Bond	A	Interest	J	T					

Notes to Filer:

____ *Do you list in Column C(1) the gross value code (J-P) at the end of the reporting period?*

____ *Do you list in Column C(2) the correct value method code (Q-W) reflecting how the value of the asset was determined?*

____ *If you used value method codes "Q", "R", "S", or "V," did you include the appropriate information in Column A or Part VIII?*

Commentary

If an asset is entirely sold during the reporting period, then Column C should be left blank. However, if an asset is partially sold (such as a portion of the total shares of stock owned), then Column C should be completed.

In addition, it should be emphasized that in Column C(2), there are four value method codes which require additional information in either Column A or Part VIII. Filers tend to forget that each report must stand on its own and as a result often fail to provide the following on their report each year:

(1) "Q"-Appraisal- the date of the appraisal.

(2) "R"-Cost- the date of purchase and the dollar amount of the purchase price.

(3) "S"-Assessment- the dollar amount of the assessed value.

(4) "V"-Other- the filer must describe the method used in Column A (Description) or Part VIII.

5. Transactions

Information on transactions should be entered in Column D. Transactions to be reported involve any purchase, sale or exchange during the reporting period which exceeds $1,000. Section 102(a)(5).

As to each acquisition or disposition, you should disclose:

a) the type of transaction, e.g., buy, sell, merger, inherit, redeem, etc.;

b) the date of the transaction;

c) the value category code indicating the value of the consideration paid or received;

d) the capital gain, if exceeding $200, realized on a disposition, using the appropriate income category code (codes A-H);.

e) the identity of the buyer or seller unless the transaction was conducted through public trading, as on a stock or commodities exchange;.

f) the liquidation of a bank account or money market fund that may have been reported on a prior Report.

If an asset has been bought and sold during the same reporting period, provide the required information about both transactions on successive lines.

On an exchange of properties, e.g., exchange of stock of ABC Co. for stock in XYZ Co. as a result of merger, list both the disposition of the ABC stock, and show any capital gain, whether or not recognized, and the acquisition of the XYZ stock.

The value category codes, codes J-P, which for convenient reference are also shown at the bottom of the Report, are listed above under VALUE.

The income category codes, codes A-H, for reporting capital gains, which for convenient reference are also shown at the bottom of the Report, are listed above under INCOME. If there is a loss, or no gain or loss, Column D4 under GAIN should be left blank.

You are not required to provide detailed transactional data on:

- transactions solely between yourself, your spouse, and your dependent children. Section 102(a)(5).
- transactions in which the then fair market value of consideration paid or received did not exceed $1,000. Section 102(a)(5).
- transactions involving property used solely as the personal residence of you or your spouse. Section 102(a)(5)(A).
- transactions involving a mere change of form of assets, e.g., a stock split.
- deposits or withdrawals from bank accounts and money market funds.
- transactions involving the reinvestment of dividends, interest, and capital gain distributions.

If property listed in Part VII is acquired (or created) or disposed of (or liquidated) during the year in a transaction that is exempt from disclosure as above noted, indicate in Column D the type of transaction.

If property is partially disposed of during the reporting year, Columns C and D may both require information. To avoid a response to questions of possible errors in reporting, indicate in Column D(1) that it was "part sold."

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 35-53 of Instructions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amt. Code (A-H)	(2) Type (e.g., rent, int.)	(1) Value Code (J-P)	(2) Value Method Code (Q-W)	(1) Type (e.g., buy, sell, merger, redemption)	(2) Date Month Day	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ **NONE** (No reportable income, assets, or transactions)									
1 Lego Common Stock (S)		NONE	K	T	Buy	7/10	J		
2					Partial Sale	9/1	J	A	
3					Buy	12/1	J		
4 Rental Property #1, Alexandria, VA (1995 $200,000) (J)	C	Rent			Sold	12/5	N	C	Joe Smith
5 NationsBank (IRA) (CDs)	A	Interest	J	T	Buy	11/10	J		
6 Cabin Creek National Bank Stock (X)	B	Dividend	K	U	Partial Sale	4/8	J	A	Jerry West
7 Fidelity Magellan Mutual Fund (DC)	B	Dividend	K	T	Buy Monthly		J		
8 NY State Urban Dev. Corp. Muni. Bond	A	Interest			Redeem	7/5	J		

Notes to filer:

____ *If the asset is a new listing, do you list in Column D information on the transaction?*

____ *Do you list the date of the transaction in Column D(2)?*

____ *Do you list in Column D(3) the value code (J-P) indicating the value of the consideration paid or received for the asset?*

____ *Do you list in Column D(4) capital gain (income codes A-H) realized on the disposition of the asset or leave this column "blank" if there was no gain or a loss?*

____ *If an asset is partially disposed of or sold, did you indicate "partial sale" in Column D(2)?*

____ *If an asset was completely disposed of or sold, did you leave Column C blank and complete Columns D(1)-(5) as appropriate?*

____ *Do you list the identity of the buyer or seller for all transactions not conducted through public trading, as on a stock or commodities exchange?*

Commentary

In addition to purchases and sales, other types of transactions such as mergers, gifts, inheritances, and redemptions require completion of all parts of Columns D(1)-(3).

If an asset was disposed of (sale or redemption), then Column D(4)- the capital gain code should also be provided. In addition, Column D(5) should be completed as to the identity of the buyer or seller if it was a private transaction (as opposed to a transaction conducted through public trading, as on a stock or commodities exchange).

It should be noted that some filers leave Column D blank when they have a transaction which does not require complete details. However, Column D(1) should be completed to provide the type of transaction. This is a common omission when the filer either opens or closes an account in a financial institution. The following are common examples of these types of transactions:

(1) opening and closing of accounts in financial institutions, including the rollover of an account from one financial institution to another,

(2) transactions solely between the filer, his or her spouse, and dependent children,

(3) transactions in which the then fair market value of consideration paid or received did not exceed $1,000, and

(4) transactions involving a mere change of form of assets, e.g., a stock split.

6. Trusts and Similar Entities

Holdings of beneficial interests in trusts and similar entities present special problems in reporting.

A reporting person need not report the holdings of, or the source of, income from any of the holdings of:

a) a qualified blind trust. Section 102(f)(1). (see below).

b) a trust:
(i) which was not created directly by the reporting person, his spouse, or any dependent child; and
(ii) the holdings or sources of income, of which the person, his spouse, or any dependent child have no knowledge.
Section 102(f)(2).

c) a widely held investment fund, if the fund is publicly traded or the assets of the fund are widely diversified, and the reporting person neither exercises control, nor has the ability to exercise control over the financial interests held by the fund. Section 102(f)(8).

A reporting person does not have to report a contingent interest in a trust if the reporter has no control over the assets of the trust. An interest is contingent if there is no present right or ability to any income or principal, and the future is uncertain either by survivorship or otherwise.

Individual assets, stocks, and bonds that are part of an IRA or brokerage account must be disclosed. However, when a mutual or widely diversified fund is part of an IRA or brokerage account, only the name of the fund and not its underlying stocks, bonds, or other assets, must be listed. In other words, underlying stocks, bonds, etc. in a pooled fund which are not individually directed by the reporting individual need not be disclosed.

A reporting person should complete Part VII, Columns A and B, for the trust or other financial arrangement qualifying under the conditions listed. Section 102(f)(2).

Report the holdings and sources of income from private investment clubs or investment partnerships. In these arrangements, the basic rule is that the income, value, and transactions of the holdings of any investment club or similar arrangement in which you, your spouse, or dependent child have a beneficial interest must be reported if the investment club or partnership had ownership of any asset having a value of $1,000 at the end of the reporting period, regardless of the value of your, your spouse, or dependent child's individual share. Your listing of assets requires the completion of Columns A, B, and C for each asset owned by the investment club having a value in excess of $1,000 and the completion of Column D for any club transaction in excess of $1,000.

A qualified blind trust is subject to special rules. Section 102(f). The effect of the Code of Conduct for United States Judges (Canon 3(c)(2)) precludes qualified blind trusts for judges, their spouses and dependent children. Other judicial employees may own beneficial interests in

qualified blind trusts as defined and conditioned in the pertinent statutes. Judicial employees considering the establishment of a qualified blind trust are directed specifically to Section 102(f)(3)(D), which requires approval by the Committee on Financial Disclosure.

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 35-53 of Instructions.)*

☐ **NONE** (No reportable income, assets, or transactions)									
1 George Washington Trust									
2 IBM Stock	A	Dividend	K	T					
3 Merrill Lynch 20th Century Mutual Fund	B	Dividend	L	T					
4 NY City Transportation Bonds		NONE	L	T	Buy	12/21	L		
5 Merrill Lynch Brokerage Account - IRA (S)									
6 Merrill Lynch Health Mutual Fund	A	Dividend			Sell	1/8	K	A	
7 Merrill Lynch Growth Mutual Fund	B	Dividend	K	T	Buy	1/8	K		
8 Capitol Holding Stock	A	Dividend	L	T					

Notes to filer:

____ *Did you complete the appropriate columns for each asset required to be individually listed in a trust, estate, investment club, or other similar financial arrangement?*

Commentary

The holdings of beneficial interests in trusts and similar entities, such as estates, present special problems in reporting. The reporting person is not required to disclose the individual holdings from any trust or other financial arrangement which is specifically exempted and noted as such in the Instructions. The two most common types of exemptions are as follows:

(1) a trust:

(a) which was not created directly by the reporting person, his spouse, or any dependent child; and

(b) the holdings or sources of income, of which the person, his spouse, or any dependent child have no knowledge.

(2) a widely held investment fund, if the fund is publicly traded or the assets of the fund are widely diversified, and the reporting person neither exercises control, nor has the ability to exercise control over the financial interests held by the fund. (This is most commonly associated with regulated investment company accounts, mutual funds, pension or deferred compensation plans, or other investment funds.)

However, for any other trust, estate, or financial arrangement, the individual holdings of which the filer, the spouse, or the dependent child have a vested beneficial interest should be disclosed. The Committee has adopted the following language to use as a guideline:

A reporting person does not have to report a contingent interest in a trust if the reporter has no control over the assets of the trust. An interest is contingent if there is no present right or ability to any income or principal, and the future is uncertain either by survivorship or otherwise.

Related Commentary

The following are examples of statutory guidelines on related subjects extracted from The Codes of Conduct For Judges And Judicial Employees. These guidelines should provide assistance as to the propriety of disclosing certain financial interests.

(1) "Financial interest" means ownership of a legal or equitable interest, however small. (Canon 3(C)(3)(c).)

(2) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund. (Canon 3(C)(3)(c)(i).)

(3) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization. (Canon 3(C)(3)(c)(ii).)

(4) A policy holder in a mutual insurance company, a depositor in a mutual savings association, or owner of government securities has a "financial interest," if the outcome of any proceeding in which the filer participates could substantially affect the value of the interests. (Canon 3(C)(3)(c)(iii) and (iv).)

(5) A judge does not have a financial interest in a corporation whose securities are held by either an educational institution or a private trust of which the judge is a trustee or in which the judge has no beneficial interest and no control over directing investments. (Canon 6(C)(1), Advisory Opinion 16.)

(6) An interest in a limited partnership designed to engage in particular investment strategies can fall within the concept of a "common investment fund" when the judge has no control or influence over the general partner or over the investment decisions. The investment vehicle is similar to a mutual fund. (Compendium § 3.1-3(e) (1997).)

(7) A judge has a "financial interest" in each of the named underlying equity securities when the judge's IRA owns units of an investment vehicle which holds 15 named corporations, the portfolio is not actively managed, and it is not contemplated the securities will be sold or exchanged prior to termination of the investment vehicle in ten years. Investment vehicle does not qualify as "mutual fund or common investment fund" under Canon 3C. (Compendium § 3.1-3(f) (1997).)

(8) A law firm's KEOGH plan or 401k plan managed by the firm, small number of participants, ready access to investment information does not qualify for the "common fund" exception under Canon 3C. (Compendium § 3.1-3(c) (1997).)

(9) A law firm's retirement fund qualifies for the "common investment fund" exception under Canon 3C where the financial interest is indirect (due to the number of participants and the size and diversity of investments), directed investment by participants is not available, and the participants do not know and cannot easily find out about a fund's portfolio, which turns over frequently. (Compendium § 3.1-3(c-1) (1997).)

VIII. Explanatory Comments

Use this section to add information clarifying other portions of the Report. Of particular importance is any information, such as a reference to opinions of the Committee on Codes of Conduct and actions of a Judicial Council, that bears on possible conflicts of interest or problems under the Codes of Conduct for United States Judges. Also use this section to explain any apparent inconsistencies between the current Report and past Reports.

Place explanatory comments either with the item or in Part VIII that will facilitate "tracing" items from one Report to the next. For example, indicate if an asset has a different name from that used in the prior Report because of a reorganization or change of name.

Use attachment pages if more space is needed.

IX. Certification and Signature

The certifications provided on the form cover (1) a certification that the reporting person did not perform any adjudicatory function in any litigation during the reporting period in which such person or his or her spouse or minor or dependent children had a financial interest; (2) a certification that the Report is accurate, true, and complete as to all information required by the Act to be reported; and (3) a certification that earned income from outside employment and honoraria and the acceptance of gifts that have been reported are in compliance with the provisions of applicable laws and regulations.

The first certification covers only minor or dependent children. If it cannot be made in the form contained on the Report, e.g., the reporting person performed adjudicatory functions in a case either in error or under the "rule of necessity," modify the certificate and explain in Part VIII.

The original Report that is to be filed with the Committee must bear the original signature of the reporting person; the other three copies may be copies of the signed original. At least one copy of an amended return or of a clarifying letter responding to a Committee inquiry must bear the original signature of the reporting person; all other copies shall be copies of the signed original. The signature of the reporting person may be excused only during a period of physical or mental incapacity of that person.

Promptly upon discovery that an error has been made in a Report, amend the Report by one of the methods explained on page 4.

COMPLIANCE AND SANCTIONS

Compliance with filing and reporting requirements is monitored pursuant to 5 U.S.C. app. 4, § 106.

One who knowingly and willfully falsifies or fails to file or report any information required under the Act is subject to civil and criminal sanctions. Section 104(a).

ETHICAL STANDARDS

The disclosure requirements and exemptions from disclosure contained in the Act neither define nor limit the standards imposed by the Code of Conduct for United States Judges and other rules of the Judicial Conference of the United States or the statutory provisions for disqualification or recusal.

For example, disclosure of financial interests under the Act is required only for interests exceeding a stated minimum amount of value and only with respect to certain members of a person's family, whereas 28 U.S.C. § 455(b)(4) applies to financial interests without regard to amount and 28 U.S.C. § 455(b)(5) applies to participation in litigation by a person within the third degree of relationship to the judge. Similarly, the Act exempts from disclosure matters relating to campaign receipts and campaign disbursements, most of which would be prohibited under the Code of Judicial Conduct for United States Judges, which also precludes qualified blind trusts for judges.

PUBLIC ACCESS

Financial Disclosure Reports are public documents, open to inspection and copying at the office of the Committee on Financial Disclosure. Reports will be made available to the public within thirty (30) days after the Report is received by the Committee on Financial Disclosure and only upon written application. Sections 105(a) and (b)(1).

Individuals requesting copies of Financial Disclosure Reports will be required to present adequate identification such as a picture identification, when requesting a copy in person. Those requesting copies by mail will be required to submit an original signature on the request form.

There will be a charge of twenty(20) cents for each page copied. A Report will be made available only to a person who completes the AO Form 10A, Request for Examination of Report Filed by a Judicial Officer or Employee, in writing and includes :

(A) that person's name, occupation and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions with regard to obtaining or using the Report. Section 105(b)(2).

It shall be unlawful for any person to obtain or use a Report--

(A) for any unlawful purpose;

(B) for any commercial purpose other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any person; or

(D) for use directly or indirectly, in the solicitation of money for any political, charitable, or other purpose. Section 105(c)(1).

The Attorney General may bring a civil action against any person who obtains or uses a Report for any prohibited purpose described above. The court in which such action is brought may assess against such person a penalty in any amount not to exceed $10,000. Such remedy shall be in addition to any other remedy available under statutory or common law. Section 105(c)(2).

Commentary

Financial Disclosure Reports are public documents open for copying and inspection and will be maintained by the staff of the Committee on Disclosure Office for six years, after which the reports will be destroyed unless there is an ongoing investigation. The Committee has held that by statute felons cannot be restricted from ready access to the Reports. However, a recent amendment to section 102(b) of the Act gives the Committee the authority to redact required information from a report when the Committee, in consultation with the United States Marshals Service, decides that revealing personal and sensitive information could endanger the judge or judicial employee.

Immediately upon receipt of the AO Form 10A, Request for Examination of Report Filed by a Judicial Officer or Employee, the staff of the Committee sends a courtesy letter of notification to the filer informing the filer that a proper request for a copy of filer's Report was received and that it is being made available.

Staff has been instructed to redact excess personal information not required to satisfy section 102 of the Act such as home addresses, social security numbers, and financial account numbers from reports requested by the public.

The Instructions for completing Financial Disclosure Reports are made available to the public upon request. The fee for copying Reports can be waived only after a determination by the Committee that it is in the public interest and that the requestor is unable to pay.

APPENDIX I

INITIAL REPORTS

WHO MUST FILE AND WHEN

Persons nominated to be JUDICIAL OFFICERS must file an initial Report within 5 days of the transmittal of their nomination by the President to the Senate. Section 101(b)(1).

Newly-appointed JUDICIAL EMPLOYEES must file an initial Report within 30 days of assuming their positions, Section 101(a), if they assume their position before November 1. Newly-appointed JUDICIAL EMPLOYEES who assume their positions between November 1 and December 31 must file an initial Report by March 15 of the subsequent year.

Judicial employees who receive a promotion or change in the rate of pay which results in pay equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule before November 1, must file an initial Report within 30 days of the promotion or pay change. If the promotion or pay adjustment occurs between November 1 and December 31, judicial employees must file an initial Report by March 15 of the subsequent year.

A JUDICIAL EMPLOYEE who is not expected to perform the duties of the office or position for more than sixty (60) days in a calendar year is not required to file an annual Report. However, if the person actually performs duties for more than sixty (60) days, an initial Report must be filed within fifteen (15) days of the sixtieth day. Section 101(h).

INSTRUCTIONS FOR COMPLETING EACH PART

Below are specific instructions that differ from those provided for annual Reports.

Identifying Information

BLOCK 3. **Date of Report.** For a JUDICIAL EMPLOYEE, a date that is no more than 30 days after your entry in the position if you entered before November 1. If you entered between November 1 and December 31, the "Date of Report" should be no later than March 15. For a person nominated to be a JUDICIAL OFFICER, the date should be no more than 5 days after submission of your nomination to the Senate.

BLOCK 5. **Report Type.** Check the appropriate report form and in the case of a nomination Report show the date your nomination was transmitted to the Senate.

BLOCK 6. **Reporting Period.** The beginning date (January 1 of the year preceding the year you assumed your office or were nominated) and the ending date (a date you choose that precedes the "Date of Report" by no more than 30 days).

I. Positions

The reporting period is the two calendar years preceding the date of the Report through the filing date in the current calendar year. Section 102(a)(6)(A).

III. Non-investment Income

The reporting period is the calendar year preceding the date of the Report and the year of filing. Section 102(b)(1)(A).

In addition, you must report compensation, other than from the United States Government, in excess of $5,000 in any of the two calendar years prior to the calendar year during which you file your first Report. Section 102(a)(6)(B).

You must include the identity of each source of such compensation and a brief description of the nature of the duties performed or services rendered by the reporting person for each source. Section 102(a)(6)(B).

You are not required to report any information which is considered confidential as a result of a privileged relationship, established by law between the reporting person and any person nor are you required to report any information with respect to any person for whom services were provided by any firm or association of which the reporting person was a member, partner, or employee unless the reporting person was directly involved in the provision of such services. Section 102(a)(6)(B).

IV. and V. Reimbursements and Gifts

You are not required to complete these Parts of the Report. Section 102(b)(1). Note "exempt" in these two spaces.

VI. Liabilities

The reporting period is the calendar year preceding the date of the Report through a date which is less than thirty-one days before the filing date. Section 102(b)(1)(B).

VII. Investments and Trusts

The reporting period for providing income information for assets is the calendar year preceding the date of the Report and the year of filing. Section 102(b)(1)(A). The reporting period for providing value information for assets is the calendar year preceding the date of the Report through a date which is less than thirty-one days before the filing date. Section 102(b)(1)(B). **You are not required to complete Subpart D "Transactions."** Section 102(b)(1). Note "exempt" in these two spaces.

APPENDIX II

FINAL REPORTS

WHO MUST FILE AND WHEN

A JUDICIAL OFFICER who works 60 days or more in a calendar year is required to file a final Report within thirty days after resigning under 28 U.S.C. § 371(a) or otherwise ceasing to continue in such position. A JUDICIAL OFFICER who retires under 28 U.S.C. § 371(b) is not required at that time to file a final Report, but continues to be obligated to file an annual Report for any year in which the relevant Judicial Council authorizes the employment by the judge of at least one law clerk or secretary, unless the judge certifies that he or she did not perform the duties of his or her office for more than sixty (60) days.

A JUDICIAL EMPLOYEE who works 60 days or more in a calendar year is required to file a final Report within thirty days of termination of employment. Section 101(e).

A JUDICIAL OFFICER OR JUDICIAL EMPLOYEE accepting another position in the Federal government subject to financial disclosure reporting is not required to file a final Report when changing position. Section 101(e).

INSTRUCTIONS FOR COMPLETING EACH PART

Below are specific instructions that differ from those provided for annual Reports.

Identifying Information

BLOCK 3. **Date of Report.** The date the Report is completed, and not more than 30 days after termination of employment.

BLOCK 5. **Report Type.** Check final Report.

BLOCK 6. **Reporting Period.** Show both the beginning and ending date of the reporting period. The beginning date will be January 1 of the current year if an annual Report has already been filed covering the preceding calendar year; otherwise, it will be January 1 of the preceding calendar year. The ending date is the date of termination of employment.

Parts I. - VII.

The reporting period is the calendar year preceding the date of the Report through the filing date in the current calendar year. Section 102(c). If an annual Report was already filed covering the preceding calendar year, then the reporting period is the current calendar year through the filing date.

APPENDIX III

ADDITIONAL REFERENCES

Regulations concerning gifts, outside earned income, honoraria, and outside employment and the codes of conduct are contained in the Guide to Judiciary Policies and Procedures, Volume II, Codes of Conduct for Judges and Judicial Employees.

The Committee on Codes of Conduct has established a database on Westlaw containing the ethical materials in Volume II of the Guide. To use this database, log on to Westlaw using your judiciary-provided Westlaw password (you cannot access this database with a password provided by anyone other than the federal judiciary). When prompted for a file name, enter CONDUCT (this file name does not appear on the Westlaw menu). Once entered into the database file, research may be conducted using established Westlaw search mechanisms.

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AO-10
Rev. 1/2000

FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 1999

Report Required by the Ethics in Government Act of 1978, (5 U.S.C. App. 4, §§101-111)

1. Person Reporting *(Last name, first, middle initial)* Porteous (Jr.), Gabriel T.	2. Court or Organization United States District Court Eastern District of Louisiana	3. Date of Report 5/5/00
4. Title *(Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)* Active United States District Court Judge	5. Report Type (check appropriate type) ___ Nomination, Date _____ ___ Initial X Annual ___ Final	6. Reporting Period 1/1/99 - 12/31/99
7. Chambers or Office Address United States District Court, EDLA 500 Camp St., C206 New Orleans, La. 70130	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of Instructions.)*

	POSITION	NAME OF ORGANIZATION/ENTITY
[X] NONE (No reportable positions.)		
1		
2		
3		

RECEIVED
MAY 8 9 18 AM '00
FINANCIAL DISCLOSURE OFFICE

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of Instructions.)*

	DATE	PARTIES AND TERMS
[X] NONE (No reportable agreements.)		
1		
2		
3		

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of Instructions.)*

	DATE	SOURCE AND TYPE	GROSS INCOME (yours, not spouse's)
[X] NONE (No reportable non-investment income.)			
1			$
2			$
3			$
4			$
5			$

SC00235

HP Exhibit 105(a)

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	Porteous (Jr.), Gabriel T.	5/5/00

IV. REIMBURSEMENTS – transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of Instructions.)

	SOURCE	DESCRIPTION
	[ ] NONE (No such reportable reimbursements.)	
1		
2	Jefferson Bar Association	4/15/99 Speaker CLE Seminar, Biloxi, Mississippi (Hotel)
3	Louisiana State Bar Association	6/9-6/12/99 Speaker CLE Seminar, Destin, Fla. (Hotel, Foo and Mileag
4	LSU Trial Advocacy Training Program	8/9-8/11/99 Faculty Member, Baton Rouge, La. (Hotel, Food and Mileage
5		
6		
7		

V. GIFTS. *(Includes those to spouse and dependent children. See pp. 28-31 of Instructions.)*

	SOURCE	DESCRIPTION	VALUE
	[X] NONE (No such reportable gifts.)		
1			$
2			$
3			$
4			$

VI. LIABILITIES. *(Includes those of spouse and dependent children See pp. 32-34 of Instructions.)*

	CREDITOR	DESCRIPTION	VALUE CODE*
	[ ] NONE (No reportable liabilities.)		
1	MBNA	Credit Card	J
2	Citibank	Credit Card	J
3			
4			
5			
6			

[redacted]

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
Porteous (Jr.), Gabriel T.	5/5/00

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 35-55 of Instructions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period			D. Transactions during reporting period			
Place "OO" after each asset exempt from prior disclosure	(1) Amount Code (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code (J-P)	(2) Value Method Code (Q-W)	(1) Type (e.g., buy, sell, or exchange)	(2) Date (Mo., Day, Yr.)	(3) Value Code (J-P)	(4) Gain Code (A-H)	(5) Identity of buyer/seller (if private transaction)
NONE (No reportable income, assets, or transactions.)									
1 Fidelity Investments Fidelity Management Trust-IRA	D	Distrib.	J	T	None				
2 Noble Drilling Corp. Common Stock		None	J	T	None				
3 Oberweis FDS Emerging Growth Mutual Fund		None	J	T	None				
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									

1. Income/Gain Codes: (See Col. B1, D4)	A=$1,000 or less	B=$1,001-$2,500	C=$2,501-$5,000	D=$5,001-$15,000	E=$15,001-$50,000	F=$50,001-$100,000
	G=$100,001-$1,000,000	H1=$1,000,001-$5,000,000	H2=over $5,000,000			
2. Value Codes: (See Col. C1, D3)	J=$15,000 or less	K=$15,001-$50,000	L=$50,001-$100,000	M=$100,001-$250,000	N=$250,001-$500,000	O=$500,001-$1,000,000
	P1=$1,000,001-$5,000,000	P2=$5,000,001-$25,000,000	P3=over $25,000,000			
3. Value Method Codes: (See Col. C2)	Q=Appraisal	R=Cost (real estate only)	S=Assessment	T=Cost/Market	U=Book Value	V=Other
	W=Estimated					

SC00237

FINANCIAL DISCLOSURE REPORT	Name of Person Reporting	Date of Report
	Porteous (Jr.), Gabriel T.	5/5/00

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

X. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. 4, § 501 et. seq., 5 U.S.C. § 7353 and Judicial Conference regulations.

Signature _____ Date 5/5/00

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. App. 4, § 104.)

Financial Disclosure Report

Filing Instructions for Judicial Officers and Employees

Committee on Financial Disclosure
Administrative Office of the U.S. Courts
One Columbus Circle, N.E., Suite 2-301
Washington, D.C. 20544
202-502-1850
January 2, 2000

HP Exhibit 105(b)

Major Changes to Financial Disclosure Instructions for 1999

The Committee agreed upon a proposal to allow filers to aggregate income and value codes in the reporting of the contents of IRAs, trusts, investment clubs, and similar arrangements. After reviewing the issue, the Committee changed the filing instructions for calendar year 1999 reports to allow the use of aggregate value codes for the reporting of IRAs, trusts, investment clubs, and similar arrangements that qualify as Aggregate Ownership Arrangements. The essential characteristics of an entity that is an Aggregate Ownership Arrangement are:

a. an entity, distinct from the filer, in which the filer has a reportable interest, and

b. an entity that owns, or is utilized to hold, investments that are themselves subject to reporting requirements.

Filers can complete Part VII, Columns A-D, for the Aggregate Ownership Arrangement and on subsequent lines in Part VII complete Column A for each asset in the arrangement and Column D if there were reportable transactions for the particular asset. The Committee finds that the use of the Aggregate Ownership Arrangement satisfies the reporting requirements of section 102 of the Ethics in Government Act of 1978 (5 U.S.C. app. 4 § 102) for reportable assets where the ownership arrangement is an entity separate from the owner. Thus, IRAs, trusts, investment clubs, and similar arrangements can be reported as Aggregate Ownership Arrangements. Brokerage accounts would normally not qualify since they are personally owned and have no separate legal identity (pages 51-54).

For security reasons, the Committee has removed the requirement to designate the ownership of an asset as belonging to spouse (S), dependent child (DC), or joint (J). However, you must still report those assets of your spouse and dependent child that meet the reporting thresholds.

The Committee has removed the "Ethics Certification" of compliance with the recusal statute, 28 U.S.C. § 455, heretofore included in Part IX, Certification. The certification is based on information not included within the report and adds to the existing confusion by filers and the public over the role of the Committee on Financial Disclosure and the Committee on Codes of Conduct.

The Committee continues to find it difficult to close reports that attach financial statements in lieu of completing Part VII, Investments and Trusts, of the Financial Disclosure Report (AO Form 10). Such reports often fail to provide the required information and lack a consistent and uniform format necessary for Committee review. Moreover, they often provide confidential information that is not required, such as account numbers, Social Security numbers, and home addresses. The use of bank or brokerage house statements as an alternative form of filing must have the advanced approval of the Committee in accordance with page 6 of the filing instructions. Any request should be made sufficiently in advance of the filing deadline to permit careful consideration and discussion with the reporting person.

SECURITY ISSUES

Every filer should be aware that the Ethics in Government Act of 1978 makes your Financial Disclosure Report a **PUBLIC DOCUMENT**. This means that a person seeking to harm or harass you and your family can get a copy of your Financial Disclosure Report. There have been instances of such misuse of information provided by filers.

The Committee makes the following recommendations so that you can satisfy the financial disclosure requirements of the Act while accommodating appropriate security concerns:

(1) When filing your report, enter your CHAMBERS OR OFFICE ADDRESS in Block 7. Do NOT use your home address for any purpose in connection with your report.

(2) In Part VII, do NOT provide more financial detail than is required by the Instructions. For example, for bank accounts, provide only the name of the institution and the city and state in which it is located. For certificates of deposit, provide only the name of the institution that issues the certificate. Do not include your social security number or the financial account numbers of brokerage accounts, IRAs, or bank accounts. For rental properties, provide only the city (or county) and state in which the property is located. If you have more than one rental property in a particular location, you may identify the properties as "Rental Property #1, Cincinnati, Ohio," "Rental Property #2, Cincinnati, Ohio," and so on.

(3) It is not necessary to report your personal residence or residences in Part VII (unless a portion of your residence is rented to a third party). Similarly, do not report any mortgage, equity loan, or line of credit secured by a personal residence, vehicle, boat, or motor home in Part VI.

(4) In addition, some filers wish to provide their federal income tax return. Paradoxically, this method provides too much information, and at the same time not enough information. The tax return shows interest and dividends in Schedule B and sales of assets in Schedule D in specific detail, but it does not provide the protection of the income and value codes and does not include lists of your current holdings. Therefore, a tax return does not meet the requirements of the Act.

(5) Similarly, financial statements, deeds, and trust agreements provide too much information including home addresses and account numbers. They are not necessary in order to identify an asset. Do not attach such documents to your report.

(6) The reporting requirements do not require the name of your spouse, your child, or your relatives. Use of the parenthetical codes "S," "J," and "DC" is no longer required. Identify relatives as "father" or "mother-in-law."

If your Financial Disclosure Report is requested, you will be notified of the request. If you have any concerns or questions about the release of your report, please call the staff of the Committee at (202) 502-1850 or discuss the matter with your local United States Marshal.

Issued January 2, 2000

FINANCIAL DISCLOSURE INSTRUCTIONS FOR JUDICIAL OFFICERS AND EMPLOYEES

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INTRODUCTION

Three types of Financial Disclosure Reports--initial, annual, and final--are required by the Ethics in Government Act of 1978, as amended, published in Title 5 of the United States Code Annotated, Appendix 4, §§ 101-111.

These filing instructions govern the preparation and filing of AO Form 10, which is to be used by judicial officers and employees for all reports due after January 1, 2000. The body of the filing instructions covers reporting requirements for annual reports, which in some cases also apply to initial and final reports. Where requirements for initial and final reports differ from the annual reporting requirements, specific information can be found in Appendices I and II, respectively, of these instructions.

The Act requires that the Committee on Financial Disclosure review each report to assure that, on the basis of the information provided, the reporting person is in compliance with applicable laws and regulations. Section 106(b)(1). The Committee also reviews reports to determine potential conflicts of interest or ethical problems.

Questions concerning the reporting requirements (and suggestions for improving the AO Form 10 or these instructions) should be addressed to: Committee on Financial Disclosure, Administrative Office of the United States Courts, One Columbus Circle, N.E., Suite 2-301, Washington, D.C. 20544.

WHO MUST FILE, WHEN AND WHERE

JUDICIAL OFFICERS AND JUDICIAL EMPLOYEES are required to file an annual report by May 15 following each calendar year in which they performed their duties for more than sixty (60) days. Section 101(d). Filing before the due date is encouraged to ease the burden on members of the Committee on Financial Disclosure who review the reports, as required by the Act.

JUDICIAL OFFICERS are defined in the Act as the Chief Justice and Associate Justices of the Supreme Court, and the judges of United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of International Trade, Tax Court, Court of Federal Claims, Court of Veterans Appeals, United States Court of Appeals for the Armed Forces, and any court created by an Act of Congress, the judges of which are entitled to hold office during good behavior. Section 109(10).

A JUDICIAL EMPLOYEE is any employee, other than a JUDICIAL OFFICER of the judicial branch of Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Veterans Appeals, or of the United States Court

of Appeals for the Armed Forces, who

(a) is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, e.g., bankruptcy judges and magistrate judges; or

(b) who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule.

Section 109(8).

Persons whose obligation to file reports may vary from year to year, e.g., a senior judge, or recalled bankruptcy judge or magistrate judge who may perform more than 60 days of service in one year but not in another, should certify their exempt status to the Committee on Financial Disclosure by May 15th, if they are exempt from filing for the prior year. This will avoid an inquiry from the Committee concerning failure to file. When they file their next reports, they should explain any apparent inconsistencies resulting from the "gap" between the two reporting periods.

For information on who must file initial and final reports, and when they must be filed, see Appendices I and II, respectively.

Commentary

The General Counsel of the Administrative Office has determined that the term "basic pay" within the definition of a judicial employee does not include locality pay or geographic cost-of-living allowance (COLA) received by some employees in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands. Geographic COLAs are considered additional allowances for the cost of living rather than part of the basic rate of pay. Similarly, there is no express statutory authority permitting court employees to receive locality pay. Payment is based upon the Director of the Administrative Office's authority to set compensation and is treated in the same manner that locality pay is treated in the Executive Branch, which does not consider locality pay as a part of basic pay.

Part-time employees without adjudicatory functions are deemed to satisfy the filing threshold if the basic rate of pay fixed for the position held meets the statutory minimum. Thus, the "rate of basic pay" rather than actual pay received, is used to determine the need to file a report. In addition, the Committee has held that the "rate of basic pay" to be used to determine whether a reemployed annuitant who is not authorized to perform adjudicatory functions must file a report does not include the annuity.

A part-time magistrate judge whose annual salary level is less than 16.4% of the salary of a full-time magistrate judge will normally perform the duties of his or her office for less than sixty-one (61) days each year and accordingly is not required to notify the Committee of his or her exempt status.

Extensions of Time to File

The Committee on Financial Disclosure may grant reasonable extensions of time for filing initial, annual, and final reports. Requests for extension should be submitted in writing to the Committee before the due date and should explain why the extension is necessary. The maximum extension permitted by the Act is 90 days. Section 101(g).

Emergency requests for extension may be made by telephone to the Committee staff if the reason for the request could not have been reasonably anticipated. A letter confirming the request should be sent promptly to the Committee. A letter confirming the oral response will be sent promptly by the Committee.

Filing Fee

The statute requires a person to file a timely report. One who files a report more than thirty (30) days after the date the report was due may be assessed a filing fee of $200.00. If for good reason it is necessary to request a delay in filing, extensions of time of up to 90 days may be granted by the Committee on Financial Disclosure. The statute states that extensions beyond 90 days are not permissible. Absent a waiver, those granted a full 90 day extension will have to pay the fee if they do not file by the 120th day. Section 104(d)(1).

The Committee may waive the filing fee for extraordinary circumstances. Requests for waivers must be submitted in writing to the Committee with explanation of the reason(s) the report was not filed on time. Section 104(d)(2).

Commentary

When a report is filed more than 30 days after the date it is due, the filer is assessed a late filing fee of $200. The fee is deposited in the United States Treasury. If a filer requests a waiver of the fee due to extraordinary circumstances, the Committee has delegated the authority to approve waivers involving failure of the postal system or physical incapacity of the filer to the Subcommittee on Compliance. Requests for waiver of the fee for any other "extraordinary circumstance" require a decision by the Committee as a whole. Please note, that reports are deemed to have been filed five (5) days prior to physical receipt for the purpose of determining whether the report has been timely filed.

Where to File

Effective January 1, 1991, the original and three copies of the report, and of any amendments (including amendments in response to letters of inquiry) are to be filed with:

Committee on Financial Disclosure
Administrative Office of the United States Courts
One Columbus Circle, N.E., Suite 2-301
Washington, D.C. 20544

Section 103(h)(1)(B).

The additional copies of the report may be made by photocopying the original, rather than by retyping or using carbons.

Commentary

Reports are not considered to have been received unless they are physically received by the staff of the Committee on Financial Disclosure and contain an original signature of the filer. Reports will be date stamped as soon as they are received by the staff. Reports sent to the Committee on Financial Disclosure by facsimile or other electronic means are not considered to be received until a copy with an original signature is received.

Amendments

A report may be amended by filing an amended AO Form 10 for that year, fully explaining items added to, or changed from, the original submission.

Alternatively, additional information may be submitted by a separate letter addressed to the Committee. You should identify the report(s) and part(s) being corrected and provide complete information for the item(s) being corrected. Sign the letter personally, which will constitute your certification to the accuracy and completeness of the report(s) as amended.

Regardless of which method is used, you should file amendments in the same manner as for the original, i.e., a signed original and three copies with the Committee.

Commentary

Self-initiated amendments will be certified in the same manner as an original report. Each reviewer will complete Block 8 on the AO Form 10 for each amendment as amended.

Amendments must be submitted over the signature of the filer. Amendments submitted on the filer's behalf by accountants, lawyers, or others are not acceptable.

Waivers

The Committee may grant a request for a waiver of any reporting requirement for one who is expected to perform the duties of the office or position less than one hundred and thirty (130) days in a calendar year, but only if the Committee determines that:

(1) the person is not a full-time employee of the federal government;

(2) the person is able to provide services specially needed by the federal government;

(3) it is unlikely that the person's outside employment or financial interests will create a conflict of interest; and

(4) public financial disclosure by the person is not necessary under the circumstances.

Any request for such a waiver must be directed in writing to the Committee with a detailed explanation of the facts upon which the Committee can make the determinations required under the Act. All such requests are available to the public. Section 101(i).

GENERAL INSTRUCTIONS

The report should be legible. Its format has been designed to be completed on most typewriters. The name of the person and date of the report should appear on each page. Financial Disclosure Report software is available upon request from the Committee.

"None" Box

Parts I through VII of the report must be completed. If you have no reportable items in any of these parts, do not simply leave it blank or mark it as "N/A," but instead mark the "None" box as an affirmative declaration of the fact.

Disclosure Concerning Family Members

A reporting person is required to disclose financial information concerning a spouse and dependent children, and the form is designed for inclusion of this information. Section 102(e)(1). The requirement to disclose trust information for a spouse and dependent children

only when a beneficial interest exists is found on pages 53 and 54. The Act does not require disclosure of the financial interests of other family members, nor is it required with respect to a spouse who is living separate and apart with the intention of terminating the marriage or permanently separating. Section 102(e)(2).

The Act defines a dependent child as a "son, daughter, stepson, or stepdaughter . . . who--
(A) is unmarried and under age 21 and is living in the household of the reporting person; or
(B) is a dependent of the reporting person within the meaning of section 152 of the Internal Revenue Code of 1986." (26 U.S.C. § 152)

Section 109(2).

Extra Pages; Attachments

If more space is needed for any part than is provided on the form, make the additional entries on a new page and include it as a numbered attachment. The identifying information (name and date of report) must appear on each attachment page. If you make these entries on other than a photocopy of a page from the form, make sure that the part being continued is indicated and that all the required information is given.

Alternative Format For Reporting

The computer program available from the Committee provides an acceptable format for reporting.

It is permissible in exceptional circumstances to provide the required information in any part of the report in an alternative format but only upon a specific written determination by the Committee that such alternative reporting is acceptable. Those wishing to use alternative formats should seek permission to do so by writing to the Committee stating in detail the format to be used, why the request is being made, and whether it is for the current report only or for future reports, as well. All information submitted must be in a format easily reconciled with prior reports. Section 102(b)(2)(A).

In the absence of permission to use an alternative format, no extrinsic reports or documents may be used as substitutes for disclosure on the AO Form 10 as provided. This limitation is necessary to avoid additional burdens that would occur in the review process if a variety of documents, with different formats and often with extraneous information, were permitted.

Reconciliation with Prior Reports

Each report should be complete in itself. No information may be adopted by reference to prior reports. If letters approving a specific transaction, position, or agreement have been received from the Committee, or if the Committee on Codes of Conduct has approved particular conduct or actions, a copy of the letter of approval should be attached to each report to avoid a letter of inquiry.

Compare the information on your current report with that in the prior report to assure that each is complete and correct.

To assist the Committee during the review process, list items in each part of the report in the same order as shown in the prior report (placing any new items at the bottom of the list or of the appropriate subdivision of the list).

Personal Information

AO-10
Rev. 1/2000

FINANCIAL DISCLOSURE REPORT

FOR CALENDAR YEAR 1999

Report Required by the Ethics in Government Act of 1978 (5 U.S.C. App. 4, 101-111)

1. Person Reporting *(Last name, first, middle initial)*	2. Court or Organization	3. Date of Report
Smith, John B.	U.S. District Court, North Dakota	April 16, 2000
4. Title *(Article III Judges indicate active or senior status; Magistrate Judges indicate full- or part-time)* U.S. District Judge - Senior Status	5. Report type (check appropriate type) ___ Nomination, Date _____ ___ Initial _X_ Annual ___ Final	6. Reporting Period January 1, 1999 - December 31, 1999
7. Chambers or Office Address U.S. Courthouse 44 West 32nd Street Fargo, North Dakota 58107	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	

IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each section where you have no reportable information. Sign on last page.

Notes to filer:

____ *Are Blocks 1 through 7 filled in?*

____ *Does Block 4 show your status?*

____ *Does Block 5 indicate the type of report?*

____ *Does Block 6 cover the correct reporting period?*

Commentary

Blocks 1 through 8 of the heading to the report should be filled in as indicated:

Block 6. Reporting Period.	*The following entry should be made for annual reports: January 1, 1999-December 31, 1999.*
Block 8. Certification.	*Reviewing official will sign and date this block when the report is complete. The front page of the AO-10 with the reviewing judge's original signature will be returned to the staff of the Committee on Financial Disclosure for permanent filing.*

Certification by the reviewing judge or staff counsel, as reviewing officials, certifies that the information in the report, any amendments, or attached correspondence has been disclosed in accordance with applicable laws and regulations. The reviewing official has the authority to approve the report as submitted, direct that a letter of inquiry be sent, or waive an error as de minimis and approve the report. The reviewing official can also approve a report and direct that an advisory letter be sent to provide the filer with guidance for future reports. All letters of inquiry are prepared for the Chair's signature on Committee letterhead stationery. The Chair has authority to revise or waive a letter of inquiry and approve a report.

INSTRUCTIONS FOR COMPLETING EACH PART

I. Positions

Only information pertaining to the reporting person is required in this part.

In this part, a complete listing is required of all positions held by the reporting person as an officer, director, executor, administrator, trustee, guardian, custodian, or similar fiduciary, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. Disclose your position even if you are not compensated and even if neither you nor a member of your family has any financial interest in the entities herein listed. Please note that positions held are reported in this part while assets owned or held are reported in Part VII. **You need not report any positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature. Section 102(a)(6)(A).**

In completing this part, for annual reports, the reporting period consists of the calendar year preceding the date of the report, and the time to the date of the report. Section 102(a)(6)(A). For initial and final reports, refer to Appendices I and II, respectively, of these instructions.

An interest as a limited partner in an investment partnership, if you have no managerial responsibilities, reflects assets held or owned, but not a position held. The position as such a limited partner need not be reported in Part I, but the interest must be disclosed in Part VII.

For Article III judges, bankruptcy judges, and magistrate judges, the Codes of Conduct for United States Judges specify additional constraints on the positions that may be held. See especially Canon 5. Part-time magistrate judges are governed by special rules as provided in 28 U.S.C. § 632(b) and the Guide to Judiciary Policies and Procedures, Volume II, Chapters I and III.

Additional information--e.g., an opinion from the Committee on the Codes of Conduct, or approval from a Judicial Council--that bears on the question whether a position presents a potential conflict of interest problem or problem under the Code of Conduct for United States Judges should be provided in Part I or Part VIII or on an attached page.

If you did not hold any reportable positions at any time during the reporting period, check the "None" box rather than leaving Part I blank.

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of Instructions.)*

☐ **NONE** (No reportable positions)

POSITION	NAME OF ORGANIZATION/ENTITY
1 Director	Fargo Boys Club
2 Trustee	John Smith III Trust
3	

Notes to filer:

____ *Do you have any reportable positions ? If not, is the NONE box checked?*

____ *Did you provide the full name of the position and the organization?*

____ *Does the position appear to represent a conflict of interest?*

____ *Does the position require a listing of assets in Part VII?*

Commentary

In completing this part, the reporting period is not always consistent with the reporting period delineated in Block 6 of the heading. For annual reports, the reporting period consists of the calendar year of the report and the current year up to the date of the report.

The positions a filer can hold are normally determined by the filer's status. Each category is affected by the Canons and statutes governing the creation and duties of the position held. Examples are as follows:

Judges

A judge should not serve as the executor, administrator, trustee, guardian, or other fiduciary, except for the estate, trust, or person of a member of the judge's family, and then only if such service will not interfere with the proper performance of judicial duties. "Member of the judge's family means any relative of a judge by blood, adoption, or marriage or any other person treated by a judge as a member of the judge's family." (Canon 5D.)

The duties of a co-trustee, even if nominal, are fiduciary in nature. Canon 5D would seem to rule out service as fiduciary for other than a trust for a member of the judge's family. Even service as a fiduciary for other than a member of the family, covered by the Canon's section on "Effective Date of Compliance," and amended, for federal judges, by action of the Judicial Conference at its April 1973 meeting, seems to contemplate a relationship with an individual. In any event, such a relationship should be terminated unless a substantial interest of the estate or person would thereby be jeopardized. (Advisory Opinion No. 33.)

A judge who, before ascending the bench, served as an executor of the estate of a nonfamily member, or as trustee of a nonfamily trust may, with the approval of the judicial council of the circuit, continue in that capacity if resignation would cause undue hardship to the estate and its beneficiaries, but may not receive compensation for such service. (Compendium § 5.1-3(a) (1999).)

Note: A judge may serve as a part-time special lecturer in law or as a faculty member at a law school. It is necessary for the judge to obtain advance approval from the chief judge of the circuit, or in the case of the chief judge from the judicial council, before engaging in teaching activity. The normal restrictions on extra judicial compensation apply; the compensation must be reasonable in amount, no greater than a similarly situated non-judge would receive for the same service; the 15% cap on outside earned income is applicable; and the payments must be included in Part III of the report. The teaching duties should not in any way interfere with the performance of judicial duties.

If a judge fails to obtain prior approval of teaching, the approving chief judge has authority to approve teaching for compensation nunc pro tunc if satisfied that the failure was occasioned by excusable neglect, the application would have been approved if timely filed, and other criteria for approval are satisfied. If circumstances do not justify nunc pro tunc approval, the judge's only recourse is to refund the compensation. (Compendium § 35.7 (1999).)

In a partnership engaged in real estate investment, a judge may have a passive investment as a general partner. Canon 5C(2) prohibits active business participation.

Note: In the case of partnerships, the report should clearly reflect the purpose and the assets of the business, including the percentage owned by the filer. If the partnership owns or trades in securities, individual stocks and transactions should be reported in Part VII.

It is permissible for a judge to be an uncompensated officer or director of a business wholly owned by members of the judge's family. (Compendium § 5.2-3(c)(1999).)

A judge may serve as a member of the board of directors of a nonprofit social club, or a nonprofit club whose object is to promote an interest in and to enlighten its membership on important governmental, economic and social issues, provided that (a) the club does not engage in partisan politics and (b) the judge does not take positions on issues which would embarrass the judge in the exercise of judicial duties. (Advisory Opinion No. 15.)

A judge may serve on the board of trustees of a university foundation (no fund-raising involved). (Compendium § 5.3-3(b)(1999).)

Senior judges designated in 5 U.S.C. app. 4, § 502(b), (justices and senior judges) are excluded from the 15% cap on compensation received from approved teaching. Even if the Ethics Reform Act is satisfied, provisions of the Code of Conduct for United States Judges must also be satisfied.

Part-time Magistrate Judges

Part-time United States magistrate judges render such service as judicial officers as is required by law. While so serving they may engage in the practice of law, but may not serve as counsel in any criminal action in any court of the United States, or act in any capacity that is inconsistent with the proper discharge of their office. Within such restrictions, they may engage in any other business, occupation, or employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. § 632(b).)

Judicial Employees

a. No covered senior employee, as defined in the "Regulations of the Judicial Conference of the United States Under Title VI of the Ethics Reform Act of 1989 Concerning Outside Earned Income, Honoraria, and Outside Employment," Guide to Judiciary Policies and Procedures, Volume II, Chapter VI, Part H, shall:

(1) affiliate with or be employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation;

(2) permit the use of his or her name by any such firm, partnership, association, corporation, or other entity;

(3) practice a profession which involves a fiduciary relationship for compensation;

(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

(5) receive compensation for teaching, without the prior notification and approval as herein provided.

Note: Senior employees of the Court of International Trade or the Court of Federal Claims must obtain approval from the chief judges of those courts. Senior employees of the Tax Court must obtain approval from the chief judge of the Tax Court. Commissioners and senior employees of the Sentencing Commission shall obtain approval from the Chairman of the Sentencing Commission. Senior employees of the Administrative Office of the United States Courts must obtain approval from the Director of the Administrative Office.

b. Judicial Employees. A judicial employee may engage in such activities as civic, charitable, religious, professional, educational, cultural, avocational, social, fraternal, and recreational activities, and may speak, write, lecture, and teach. If such outside activities concern the law, the legal system, or the administration of justice, the judicial employee should first consult with the appointing authority. (Code of Conduct for Judicial Employees, Canon 4A.)

c. Federal Public Defenders. A defender employee should not engage in the private practice of law. Notwithstanding this prohibition, a defender employee may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the defender employee's family, so long as such work does not interfere with the defender employee's primary responsibility to the defender office. (Code of Conduct for Federal Public Defender Employees, Canon 5D.)

II. Agreements

Only information pertaining to the reporting person is required in this part.

In this part a complete listing is required of any agreement with respect to:

(a) future employment;

(b) a leave of absence during government service;

(c) continuation of payments by a former employer other than the United States; and

(d) continuing participation in an employee welfare or benefit plan maintained by a former employer.

Report the date, parties, and terms of the agreement. Section 102(a)(7).

For all reports, show any such agreements currently in force.

Any additional information--e.g., an opinion from the Committee on Codes of Conduct, or approval from a Judicial Council--that bears upon the question whether an agreement presents a potential conflict of interest problem or problem under the Codes of Conduct for United States Judges should be provided in Part II or on an attached page.

If you did not have any reportable agreements during the reporting period, check the "None" box, rather than leaving Part II blank.

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of Instructions.)*

	DATE	PARTIES AND TERMS
☐	**NONE** (No reportable agreements)	
1	1999	Jones & Smith Retirement Plan with former law firm, no control
2		
3		

Notes to filer:

____ *Do you have any reportable agreements? If not, is the NONE box checked?*

____ *Did you list the date, parties, and terms of the agreement?*

____ *Is the agreement permissible?*

Commentary

Continuation of payments by a former employer other than the United States

It is permissible for judges to receive appropriate payment for their interests in a law firm and compensation for legal services they rendered before becoming judges. (Compendium § 2.7(a)(1999).)

A termination of partnership agreement provides for payment of an agreed amount representing the retiring partner's interest and some of these payments can be paid in years following the partner's appointment as a United States judge. (Advisory Opinion No. 24.)

The Committee on Codes of Conduct is of the opinion that when a partner leaves a law firm to become a federal judge, he should, if possible, agree with his partners on an exact amount which he will receive for his interest in the firm, whether that sum is to be paid within the year or over a period of years. (Id.)

Such payments may continue to be made to the judge, provided it is clear (1) that he is not sharing in profits of the firm earned after his departure, as distinguished from his sharing in amount representing the fair value of his interest in the firm, including the fair value of his interest in fees to be collected in the future for work done before he left the firm, and (2) the judge does not participate in any case in which his former firm or any partner or associate thereof is active as counsel until the full amount which he may be entitled to receive under the agreement has been paid to him. (Id.)

In addition, it is permissible for the departing judge to share in contingent fees received at the end of litigation, provided a fixed percentage or fixed ceiling is agreed upon, and reasonably reflects the value of services previously rendered by the departing judge. While it is permissible for a judge to share in future contingent fees, the judge should first attempt to reach agreement with his former partners on a fixed sum. (Compendium § 2.7(b) and (b-1)(1999).)

Continuing participation in an employee welfare or benefit plan maintained by a former employer

A judge should recuse in all cases involving members of the former law firm where the judge has left a retirement account in the former law firm's profit sharing trust. If there are frequent recusals, the judge should withdraw the account if feasible. (Compendium § 5.2-4(a) and (a-1)(1999).)

When, long after the judge's departure, additional assets are discovered which should have been transferred to the judge at the time of his departure (e.g. delayed refund under a health insurance plan), there is no ethical impediment to the judge's receipt of the appropriate distribution. (Compendium § 2-7(e)(1999).)

A judge who is a participant in a law firm's KEOGH plan has a financial interest in all of the corporations whose stock is owned by the plan, and must keep informed of the plan's investments, unless the plan is a common fund. (Compendium § 3.1-1(i)(1999).)

A law firm's KEOGH plan or 401 (k) plan which is managed by the firm or a small number of participants, and for which the judge has ready access to investment information does not qualify for the "common fund" exception. However, a law firm's retirement qualifies for the "common fund" exception where 1) the interest is indirect (due to the number of participants and the size and diversity of investments), 2) directed investment by participants is not available, and 3) the participants do not know about a fund's portfolio. (Compendium § 3.1-3(c).)

Other Employment

Part-time United States magistrates render such service as judicial officers as is required by law. While so serving, they may engage in the practice of law and, within certain restrictions, engage in any other employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers. (28 U.S.C. § 632.)

A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge. A part-time judge: (1) is not required to comply with Canons 5C(2), D, E, F, and G, and Canon 6C; (2) except as provided in the Conflict-of-Interest Rules for Part-time Magistrate Judges, should not practice law in the court on which the judge serves or in any court subject to the appellate jurisdiction of the court on which the judge serves, or act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.

A judge should require law clerks to keep the judge reasonably informed of their future employment plans as required by the Code of Conduct for Law Clerks. A law clerk should have no involvement whatsoever in pending matters handled by a prospective employer when an offer of employment has been made to the law clerk and has been, or may be, accepted by the law clerk. (Advisory Opinions Nos. 74 and 81.)

III. Non-investment Income

Information pertaining to the reporting person and the spouse, as noted, is required in this part.

A. General Non-investment Income

In this part, report non-investment income from whatever source, including but not limited to these items: compensation for services, including fees, commissions, etc.; income derived from business; royalties; annuities; income from life insurance and endowment contracts; and fixed benefits from vested pension plans. Amounts reported should be net income, except for income derived from a business, can be listed as net or gross, and indicated as such. Section 109(7). Dividends on life insurance policies not held in whole or in part as an investment or for the production of income need not be reported.

Report the source, type, amount or value, of income from any source aggregating $200 or more in value. Honoraria are treated differently. Section 102(a)(1)(A). See Part III B. below. See below for specific exemptions.

For spouses, report the source of items of earned income from any person which exceeds $1,000 and the source and amount of any honoraria which exceed $200. If the spouse is self-employed in business or a profession, the nature of such business or profession should be reported. Section 102(e)(1)(A).

To indicate that income was earned by your spouse (and hence that the amount need not be shown), leave the column under "Gross Income" blank.

You are not required to disclose in Part III the following:

- compensation for current employment by the United States. Section 102(a)(1)(A).
- income that from a single source did not aggregate $200 or more during the reporting period. Section 102(a)(1)(A).
- the amount of the spouse's "earned income", or any information about that "earned income" that from a single source did not aggregate more than $1,000 during the reporting period. Section 102(e)(1)(A).
- any information about dependent children's non-investment income. Section 102(e)(1)(A).

- information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation or with respect to any income or obligations arising from the dissolution or permanent separation. Section 102(e)(2).

- any political campaign funds, including campaign receipts. Section 102(g).

- income derived from any retirement system under title 5, United States Code (including the Thrift Savings Plan under Subchapter III of Chapter 84 of such title) or any other retirement system maintained by the United States for officers or employees of the United States. Section 102(i)(1).

- benefits received from Social Security. Section 102(i)(2).

- death benefits under insurance policies, gifts, inheritances, tort recoveries and other compensation for injuries and sickness, disability compensation, and veteran's benefits.

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of Instructions)*

	DATE	SOURCE AND TYPE	GROSS INCOME (Yours, not spouse's)
☐	NONE (No reportable non-investment income)		
1	1999	Evans County School District	$
2	July 1999	Idaho Law School, Seminar (3 weeks)	$ 3,500
3			$

Notes to filer:

____ *Do you have any reportable non-investment income over $200.00?*

____ *Does your spouse have any reportable non-investment income over $1,000.00?*

____ *If no reportable income, is the NONE box checked?*

____ *Is the date, source, type, and amount for your reportable income reported? If spouse's income, is the column under Gross Income left blank?*

____ *Is the income subject to the 15% limitation ($20,505) for calendar year 1999?*

____ *Is the income an honorarium or reported as such?*

Commentary

Although various types of non-investment income have been listed, some elaboration on several sources of income may be useful to provide a clearer distinction between non-investment and investment income.

No income should be disclosed in this part if it is derived from an investment asset that should be reported in Part VII. Sources of royalty payments include publications and oil, gas, and mineral interests. It should be noted that an interest in the real property from which these oil, gas, or mineral interests are derived should be disclosed in Part VII like any other investment property. Annuities and any other types of retirement income should be reported if they represent defined benefits from a vested pension plan. Retirement income from IRAs or other investment funds that varies due to the performance of the individual assets should be reported in Part VII since it represents income from an investment asset.

Ordinarily, income from life insurance policies need not be reported because most insurance policies are not held as investments or for the production of income. Policy dividends that reduce premiums or provide additional or paid-up insurance are not treated as income. Dividends or other income from life insurance policies, received in excess of $200, which are reportable for income tax purposes, should be disclosed in this part. Several types of insurance policies that probably require reporting are "universal," "variable life," or "universal variable life."

Special attention will be given to the review of nomination and initial reports. The filer must report compensation, other than from the United States Government, in excess of $5,000 in any of the two calendar years prior to the calendar year during which a first report is filed.

B. Outside Employment and Honoraria

Special attention should be given to regulations relating to Outside Employment and Honoraria at Appendix III.

Covered Senior Employees

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, covered senior employees, other than justices of the United States who retired from regular active service under Section 371(b) of title 28, United States Code; judges of the United States who retired from regular active service under Section 371(b) of title 28, United States Code and who have met the requirements of subsection (f) of Section 371(b) of title 28, United States Code, as certified in accordance with such subsection; and,

justices and judges of the United States who retired from regular active service under Section 372(a) of title 28, United States Code, who receive compensation for teaching, are prohibited from:

- Receiving more than 15% of the pay rate for Executive Level II in earned income from outside employment if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant (See 5 U.S.C. § 5313 for the pay rate for Executive Level II). 5 U.S.C. app. 4 § 501(a)(1). Those covered by the provisions of this Act for only a portion of a year, must pro-rate the 15% on the basis of the number of days the person will actually work in that calendar year. 5 U.S.C. app. 4, § 501(a)(2).

- Being affiliated with or being employed by a firm, partnership, association, corporation, or other entity to provide professional services which involve a fiduciary relationship for compensation, serving for compensation as an officer or member of the board of any association, corporation, or other entity. 5 U.S.C. app. 4, § 502.

- Receiving compensation for teaching without prior notification and approval from the appropriate official, if the officer or employee occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule and is not a career civil servant. See Section 5 of Appendix III for the procedures for requesting approval. 5 U.S.C. app. 4, § 502.

NOTE: Covered senior employees are defined by Judicial Conference approved regulations as all judicial officers (except for part-time magistrate judges), commissioners and staff of the Sentencing Commission, the Director and Deputy Director of the Administrative Office of the United States Courts, and senior employees of the Administrative Office of the United States Courts serving at the pleasure of the Director (Schedule C status).

Judicial Officers and All Employees

In accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, all judicial officers and all employees of the judicial branch are prohibited from accepting honoraria for any "appearance, speech, or article." Actual and necessary travel expenses incurred by the person and one relative are not deemed to constitute honoraria. 5 U.S.C. app. 4, § 501(b).

- No judicial officer or employee of the judicial branch (except for part-time magistrate judges), may accept honoraria, but a payment may only be made on behalf of such officer or employee to a charitable organization in lieu of the honorarium, so long as the payment does not exceed $2,000, and is not made to a charitable organization from which the filer or the filer's parent, sibling, spouse, child, or dependent relative derives any financial benefit. 5 U.S.C. app. 4, § 501(b) and (c). In such instances, the filer should report the source, date, and amount of payments made to charitable organizations in lieu of honoraria and shall simultaneously file with the Committee on Financial Disclosure, on a confidential basis, a corresponding list of recipients of all such payments together with their dates and amounts. Section 102(a)(1)(A).

C. General Provisions

For annual reports, the reporting period is the calendar year preceding the date of the report. Section 102(a)(1)(A). For initial and final reports, see Appendices I and II, respectively, for the appropriate reporting periods.

If neither you nor a spouse had any reportable income during the reporting period, check the "None" box rather than leaving Part III blank.

Commentary

Contained within these Instructions and Appendix III are detailed instructions and regulations relating to limitations imposed on certain judicial officers and employees with respect to certain types of outside employment and income. Several important guidelines need to be emphasized for the benefit of the reviewing official.

Covered senior employees (defined in the cited appendix) are prohibited from receiving more than 15% of the pay rate for Executive Level II (currently $136,700) in earned income from outside employment. The limitation for 1999 is $20,505. However, senior judges who receive compensation for teaching, part-time magistrate judges, officers and employees of the Supreme Court, and employees of the Federal Judicial Center are exempted as to teaching income and are not restricted to this outside income limitation.

In addition, all judicial officers and all employees of the judicial branch (except for part-time magistrate judges) are prohibited from accepting honoraria for any "appearance, speech, or article." Any filer listing honoraria will be questioned for clarification and may eventually be referred to the Committee on Codes of Conduct for an advisory opinion.

Frequently, difficulty arises for the reviewing official and staff examiner concerning what constitutes outside earned income (which is attributed solely to the filer and not to the spouse). The following lists common examples of compensated activities which are subject to the calendar year income limitation, less the ordinary and necessary expenses paid or incurred in producing the income:

(1) teaching,
(2) serving as trustee of a family trust or executor of a family estate, and
(3) writing.

In addition, the following common examples do not constitute outside earned income and have no limitations imposed on the filer:

(1) pensions, annuities, and deferred compensation for services rendered prior to becoming a judicial officer or senior employee,
(2) investment funds,
(3) funds received from a family owned business,
(4) publication royalties, fees, and their functional equivalent, and
(5) compensation received by a senior judge for teaching.

Advisory Opinion Number 86, "Honoraria, Teaching, and Outside Earned Income Limitation," provides detailed interpretation on these issues and may serve as a helpful guideline. In addition, the following are summaries contained in Compendium, Sections 31-35 (1999), concerning recent advice given by the Committee on Codes of Conduct in response to confidential inquiries:

Outside Earned Income Limitation

(1) Where service as a family fiduciary involves work performed over several years but fee is paid in a single year, it is consistent with the statute and regulations for the judge, in applying the 15% cap, to allocate the amount of the fee over the several years. (Compendium § 33.1(a) (1999).)

(2) Flat fee of $250 received by judge from a publisher for writing a chapter in a publisher's treatise is not excludable from the definition of outside earned income. The payment is a fixed and unconditional cash payment for a manuscript that is wholly unrelated to the sale or distribution of the publication. Thus, the fee is subject to the 15% cap. (Compendium § 33.2-5(a) (1999).)

(3) Where judge serves as editor-in-chief of a law journal and receives a royalty of 15% of the net cash receipts from the sale of the publication, the amount is considered a royalty and thus not subject to the 15% cap. (Compendium § 33.2-5(b) (1999).)

(4) Outside earned income is attributed solely to the actual earner regardless of community property laws. (Compendium § 33.3 (1999).)

Prohibition on Receipt Of Honoraria

(1) It is a violation of the statute and regulations for a law clerk to write an article for compensation during clerkship even though publication of the article and receipt of the honorarium occur after the clerkship ends. (Compendium § 34(a) (1999).)

(2) Fee for performing wedding is not an honorarium. However, a judge is barred from accepting additional compensation for performing judicial activities. (Compendium § 34.1(a) (1999).)

(3) Reimbursement of travel expenses for judge and one relative does not constitute an honorarium. (Compendium § 34.1(b) (1999).)

(4) Where a judge's paper for a continuing legal education program was later published and later still won $3000 cash award at sponsor's annual award program, the award is not a payment for the speech or article and thus not an honorarium. An after-the-fact award based on merit for scholarly work is an award in recognition. (Compendium § 34.1(d) (1999).)

(5) Compensation for teaching a seminar for prospective law students and preparation of course materials does not constitute an honorarium. (Compendium § 34.1-2(d) (1999).)

(6) Fee received by judge as editor-in-chief of a law journal is not an honorarium, but rather compensation for a writing more extensive than an article. (Compendium § 34.1-3(a) (1999).)

Limitations On Outside Employment

(1) Serving as a fiduciary of a family estate or trust as permitted by Canon 5D of the Codes of Conduct does not constitute practicing a profession involving a fiduciary relationship. (Compendium § 35.3(a) (1999).)

(2) Service for compensation as editor-in-chief of a bankruptcy law journal is not the equivalent of being an officer or member of the board of an entity, and thus is not barred by this section. (Compendium § 35.4(a) (1999).)

(3) A judge cannot receive compensation for service as family fiduciary where the trust directs the operating policy of a charity because that would be the functional equivalent of serving as an officer or member of the board of directors. However, it is acceptable for the judge to serve as family fiduciary charged only with duties normally exercised by a family fiduciary. Compensation received is subject to the 15% cap. (Compendium § 35.4(b) (1999).)

(4) A judge's status as partner of a family partnership or shareholder of a family corporation is not the equivalent of serving as officer or member of the board of an entity, and thus the financial return to the judge as partner or shareholder is not prohibited. (Compendium § 35.4(c) (1999).)

(5) Where a judge failed to obtain prior approval of teaching, Chief Judge has authority to approve teaching for compensation nunc pro tunc if satisfied that the failure was occasioned by excusable neglect, the application would have been approved if timely filed, and other criteria for approval are satisfied. If circumstances do not justify nunc pro tunc approval, the judge's only recourse is to refund the compensation. (Compendium § 35.7(a) (1999).)

IV. Reimbursements of Transportation, Lodging, Food, Entertainment

Information pertaining to the reporting person and a spouse and dependent children, as noted, is required here.

In this part report information about reimbursements received by you, your spouse and dependent children, exclusive, however, of any items received by them totally independent of their relationship to you. Sections 102(a)(2)(A) and (C); and 102(e)(1)(C) and (D). For initial reports, there are separate rules for completing this part, found at Appendix I of these instructions.

A reimbursement means any payment or other thing of value, other than gifts, to cover travel related expenses. Section 109(15).

For annual reports, the reporting period is the calendar year preceding the date of the report. Section 102(a)(2)(B). For final reports, see Appendix II for the appropriate reporting period.

In this part, provide:

the identity of the source and a brief description (including location, dates, and nature of expenses provided) of reimbursements received from any source aggregating $250 or more in value. Section 102(a)(2)(B).

You are not required to report in Part IV:

- food, lodging, or entertainment received from a relative. Section 102(a)(2)(A).
- food, lodging, or entertainment received as personal hospitality. Section 102(a)(2)(A).
- reimbursements received by your spouse and dependent children, independently of their relationship to you. Section 102(e)(1)(C) and (D).
- reimbursements received in a period when you were not an officer or employee of the federal government. Section 102(h).
- food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States, the District of Columbia, or a state or local government or political subdivision thereof; food and beverages not consumed in connection with a gift of overnight lodging; Section 109(5).

- reimbursements provided by the United States, the District of Columbia, or a state or local government or political subdivision thereof; required to be reported under 5 U.S.C. § 7342; or required to be reported under 2 U.S.C. § 434. Section 109(15).

Relative means one who is related to the reporting person, as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting person, and shall be deemed to include the fiance or fiancee of the reporting person. Section 109(16).

Personal hospitality means hospitality extended for a nonbusiness purpose by one, not a corporation or organization, at the personal residence of that person or his family or on property or facilities owned by that person or family. Section 109(14).

Beginning on January 1, 1991, in accordance with the Ethics Reform Act of 1989, and the Judicial Conference regulations implementing this Act, officers and employees are prohibited from soliciting or accepting anything of value from a person seeking official action from, doing business with, or whose interests would be substantially affected by, the performance or nonperformance of official duties. 5 U.S.C. § 7353. This prohibition applies to all reimbursements and gifts covered in Parts IV and V of the Financial Disclosure Report.

If you, your spouse, and your dependent children did not receive any reimbursements reportable in Part IV, check the "None" box rather than leaving Part IV blank.

IV. REIMBURSEMENTS --transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children. See pp. 25-27 of Instructions.)

☐ **NONE** (No such reportable reimbursements)

	SOURCE	DESCRIPTION
1	Staley Foundation	June 15 - Haymarket, VA, Mtg of Board of Directors (Transportation, Meals, and Room)
2	FREE Foundation	Aug. 7-14 - Butte, MT - Environmental Seminar (Travel, Housing, Food, and Tuition)
3	VA CLE	Nov 7 - Williamsburg, VA - TAX CLE Seminar (Transportation, Food, and Hotel)

Notes to filer:

____ *Do you, your spouse, or any dependent child have any reportable reimbursements or expense paid education or other trips? If not, is the NONE box checked?*

____ *Did you identify the source of the reimbursement, and provide a brief description including location, dates, and nature of expenses?*

____ *Can the reimbursement be accepted by you, your spouse, or dependent child?*

Commentary

The following opinions issued by the Committee on Codes of Conduct provide guidance on issues associated with this part.

Attendance of judges and their spouses as guests at bar association dinners is proper, and a judge may accept reimbursement for the judge's or the judge's spouse's travel and hotel expenses to attend such a dinner sponsored by lawyer organizations even when the judge does not speak or render other services at the function. (Advisory Opinion No. 17.)

Although mere attendance (along with others similarly situated) without paying a registration fee would not create an appearance of impropriety, it would create an appearance of impropriety for employees of the Administrative Office to accept from a legal publishing firm a gift of transportation, lodging and meals in connection with a professional training program sponsored by the firm. (Compendium § 2.9(b) (1999).)

A judge participating as a faculty member in a two-week seminar of general interest organized on a nonprofit basis and financed by tuition and subsistence payments by nonfaculty attendees may accept reimbursement for the judge's and the judge's spouse's travel and subsistence expenses. (Advisory Opinion No. 3.)

A judicial employee may receive compensation and reimbursement of expenses for outside activities provided that receipt of such compensation and reimbursement is not prohibited or restricted by this Code, the Ethics Reform Act, and other applicable law, and provided that the source or amount of such payments does not influence or give the appearance of influencing the judicial employee in the performance of official duties or otherwise give the appearance of impropriety. Expense reimbursement should be limited to the actual cost of travel, food and lodging reasonably incurred by a judicial employee. (Code of Conduct for Judicial Employees, Canon 4E.)

V. Gifts

Information pertaining to the reporting person and the spouse and dependent children, as noted, is required in this part.

In this part report information about gifts other than transportation, lodging, food or entertainment aggregating $250 or more in value received by you, your spouse and dependent children from any source other than a relative during the preceding calendar year. Gifts from separate sources with a fair market value of $100 or less need not be aggregated to determine if the $250 reporting threshold has been met. Section 102(a)(2)(A).

A gift is a payment, advance, forbearance, rendering, or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor. Section 109(5).

If you have been extended an honorary membership in an organization and you avail yourself of the privileges, rights, etc., to a substantial degree, and the dues are in excess of $250 a year, you must report the honorary membership in this part.

You are not required to disclose information about:

- gifts received from a relative. Section 102(a)(2)(A).
- gifts received by a spouse and dependent children, totally independent of their relationship to you. Section 102(e)(1)(C).
- gifts received in a period when you were not an officer or employee of the federal government. Section 102(h).
- gifts that are bequests and other forms of inheritance. Section 109(5)(A).
- communications to the offices of a reporting person, including subscriptions to newspapers and periodicals. Section 109(5)(E).
- suitable mementos of a function honoring the reporting person. Section 109(5)(B).

If you, your spouse, and your dependent children did not receive any gifts reportable in Part V, check the "None" box rather than leaving Part V blank.

For the definition of relative, refer to Part IV of these instructions.

For annual reports, the reporting period is the calendar year preceding the date of the report. Section 102(a)(2)(A). For initial and final reports, see Appendices I and II, respectively,

for the appropriate reporting period and rules.

V. GIFTS. *(Includes those to spouse and dependent children. See pp.28-31 of Instructions.)*

☐ **NONE** (No such reportable gifts)

	SOURCE	DESCRIPTION	VALUE
1	Former Law Clerks	Painting - 20th Anniversary on Bench	$ 325.00
2	The Executive Club	Honorary Membership (dues, like privileges)	$ 1200.00
3			$

Notes to filer:

___ *Do you, your spouse, or any dependent child have any reportable gifts other than transportation, lodging, food, or entertainment? If not, is the NONE box checked?*

___ *Did you list the identity of the source, a description of the gift, and the actual dollar value?*

___ *Can the gift be accepted?*

Commentary

If stock is listed as a gift, the stock should also be reported in Part VII, Investments and Trusts.

The value of a gift is shown by a dollar amount, not by a value code.

If the gift is from an individual, the individual must be specifically named. It is not acceptable to identify the source of the gift as "boyfriend," "girlfriend," "friend," or "significant other."

The following opinions issued by the Committee on Codes of Conduct provide guidance on issues associated with this part.

Investitures and Similar Ceremonies

(a) It is permissible for a judge to accept a gavel and a $500 gift from a former client on the occasion of the judge's investiture. (Compendium § 5.4-2(a) (1999).)

(b) It is permissible for a judge to accept a gavel and a contribution toward the cost of the reception from a local bar association on the occasion of the judge's investiture. (Compendium § 5.4-2(b) (1999).)

(c) It is permissible for a judge to accept leather notebook and pen from Law Institute as a memento of a judge's presentation. (Compendium § 5.4-2(c) (1999).)

(d) It is permissible for a judge to be the guest of honor at a public dinner arranged by former law clerks, attended by lawyers and other members of the public, as well as the law clerks. The law clerks should make clear on the invitations and other papers relating to the dinner, not only the fact that the dinner is sponsored solely by present and former law clerks, but that the amount paid by other attendees is solely to cover the cost of the dinner, that no fund-raising activity is involved, and that no part of the amount paid for the dinner will be employed in the purchase of a gift for the honoree. (Compendium § 5.4-5(c) (1999).)

Gifts on Special Occasions

(a) A judge may accept a gift of a trip aboard a cruising ship (costing about $1500) on the occasion of his 20th anniversary as a United States judge where the donees consist exclusively of persons who have worked directly with him (i.e., law clerks, secretaries, courtroom deputies, and court reporters), there are a sufficient number of donees that no individual contribution to the gift is unusually large, and the judge is not made aware of the amounts contributed by the respective donees. (Compendium § 5.4-7(a) (1999).)

(b) On occasion of taking senior status, judge may accept gift from law clerks of golfing trip. (Compendium § 5.4-7(b) (1999).)

(c) It is not improper for former law clerks to solicit funds from other law clerks to establish scholarship in honor of retiring judge. The Judge and present law clerks should not solicit. (Compendium § 5.4-7(c) (1999).)

(d) It would create an appearance of impropriety for a judge to permit a for-profit company to host a reception following the judge's investiture, where the judge had no pre-existing relationship with the company, would not otherwise have been required to recuse, and the circumstances would convey the impression that the company was in a special position to influence the judge. (Canon 2B and Compendium § 2.10(c) (1999).)

Miscellaneous Gift Rulings

(a) It is permissible to accept books from West Publishing Company for official use. (Compendium § 5.4-Z(a) (1999).)

(b) It is permissible for a judge's children to accept scholarships awarded on the same terms and based on the same criteria applied to other applicants. (Compendium § 5.4-Z(b) (1999).)

(c) Gifts from a friend not prohibited where friend not likely to ever appear in judge's court. (Compendium § 5.4-Z(c) (1999).)

(d) It is permissible for a judge to attend, and accept hospitality at bar association events and meetings of other organizations devoted to improvement of the law, legal system, or the administration of justice. With respect to attendance at cocktail parties hosted by law firms in connection with bar meetings, judicial conferences, and the like, there is no impropriety in a judge accepting such invitations in the absence of reason to believe that such attendance will reasonably reflect unfavorably on the judge's impartiality or is likely to be exploited by the law firm. (Advisory Opinion No. 17.)

(e) It is permissible for judges to attend bar association events such as receptions where a legal publishing firm has donated the hors d'oeuvres and beverages to the bar association. It is not appropriate, however, for a group of judges or judicial personnel to allow a legal publishing firm or other vendor doing business with their court to donate food and beverages for a meeting of the judges or judicial employees. (Compendium § 2.9(a) (1999).)

Honorary/Reduced-Rate Memberships

(a) It is permissible for a judge to accept a free membership in a country club, including a waiver or reduction in the initiation fee, or to accept a free or reduced membership in a YMCA if it is customary in that community, similar privileges are extended to other public officials, the interests of the organizations have not and are not likely to come before the judge, and the judge is satisfied that the membership is not being used by the organization to promote its endeavors. (See Advisory Opinion No. 47.)

(b) It is permissible for a judge to accept a free membership in the "American Board of Trial Advocates," the organization being devoted to the improvement of the law. (Compendium § 5.4-1(b) (1999).)

(c) It is permissible to accept free membership in a local bar association. (Compendium § 5.4-1(c) (1999).)

VI. Liabilities

Information pertaining to the reporting person, spouse, and dependent children is required in this part.

In this part, list all of your, your spouse's and dependent children's liabilities to any creditor other than a spouse, parent, brother, sister, or child, which exceeded $10,000 at any time during the reporting period. Sections 102(a)(4) and 102(e)(1)(E).

For annual reports, the reporting period is the calendar year preceding the date of the report. Section 102(a)(4). For initial and final reports, see Appendices I and II, respectively, for the appropriate reporting periods.

In this part, list the identity and category of value of each liability. The identity includes the name of the creditor and a description of the liability. Section 102(a)(4). To assist the reviewer, liabilities should be listed in the same order as in the previous report.

The category codes for the amount owed as of the end of the reporting period are shown on the report and are as follows:

J -	$15,000 or less	P1 -	$1,000,001 to $5,000,000
K -	$15,001 to $50,000	P2 -	$5,000,001 to $25,000,000
L -	$50,001 to $100,000	P3 -	$25,000,001 to $50,000,000
M -	$100,001 to $250,000	P4 -	more than $50,000,000
N -	$250,001 to $500,000		
O -	$500,001 to $1,000,000		

Section 102(d)(1).

The reporting requirement relates to obligations that at any time during the reporting period exceeded $10,000, but the amount to be shown by the category code is the amount owed as of the end of the reporting period.

You are not required to report:

- any liability owed to a spouse, parent, brother, sister, or child. Section 102(a)(4).
- any mortgage secured by real property which is a personal residence of you or your spouse. Section 102(a)(4)(A).

- any loan secured by a personal motor vehicle, household furniture, or appliances that does not exceed the purchase price of the item securing the liability. Section 102(a)(4)(B).

- any information with respect to a spouse living separate and apart from you with the intention of terminating the marriage or providing for permanent separation or with respect to any income or obligations arising from the dissolution of the marriage or permanent separation. Section 102(e)(2).

- any revolving charge account whose balance did not exceed $10,000 as of the close of the preceding calendar year.

- political campaign funds, including campaign receipts and expenditures. Section 102(g).

- any liability which is the sole liability or responsibility of the spouse or child; which is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of investments and trusts, see the Instructions for Part VII.

If you, your spouse, and your dependent children did not have any reportable liabilities, check the "None" box rather than leaving Part VI blank.

VI. LIABILITIES. *(Includes those of spouse and dependent children. See pp. 32-34 of Instructions.)*

	CREDITOR	DESCRIPTION	VALUE CODE*
☐	**NONE** (No reportable liabilities)		
1	Old National Bank	Credit Card	L
2	NationsBank	Mortgage on Rental Prop. #1, Alexandria, VA (Pt VII, line 2)	M
3			

*Value Codes: J=$15,000 or less K=$15,001-$50,000 L=$50,001-$100,000 M=$100,001-$250,000 N=$250,001-$500,000 O=$500,001-$1,000,000 P1=$1,000,001-$5,000,000 P2=$5,000,001-$25,000,000 P3=$25,000,001-$50,000,000 P4=$50,000,001 or more

Notes to filer:

____ *Do you, your spouse, or dependent child have any reportable liabilities over $10,000?*

____ *Did you list the identity of the creditor, a description of the liability, and a value code for the amount?*

____ *If a mortgage is listed, is there a corresponding entry for the property in Part VII?*

VII. Investments and Trusts

Information pertaining to the reporting person, spouse, and dependent children is required in this part.

1. General

In this part a complete listing is required of reportable assets owned by the reporting person, spouse, and dependent children. **Each asset must be individually listed and identified except as may be specifically provided otherwise (see Part 7B Trusts below).** Bank or brokerage house reports are not acceptable for compliance with these reporting requirements unless they succinctly contain all necessary information without requiring the reader to perform calculations or select out necessary data from a larger body of information. The use of bank or brokerage house statements as an alternative form of filing must have the advanced approval of the Committee in accordance with page 6 of the filing instructions. Any request should be made sufficiently in advance of the filing deadline to permit careful consideration and discussion with the reporting person. For initial reports, there are separate rules for completing this part, found at Appendix I of these instructions.

Report assets held during the preceding calendar year in a trade or business, or for investment or the production of income, which have a fair market value in excess of $1,000 at the end of the year or from which you received income in excess of $200 during the preceding calendar year. Sections 102(a)(3) and 102(a)(1)(B).

You are not required to report:

- Investments in the Thrift Savings Plan. Section 102(i)(1)(A).

- Any property, real or personal, not held in a trade or business, or for investment or the production of income. As examples, you need not report a private residence or personal automobiles. Section 102(a)(3).

- Any personal liability owed to you, your spouse, or dependent children by a spouse, or by a parent, brother, sister, or child of you or your spouse. Sections 102(a)(3) and 102(e)(1).

- Accounts in a financial institution (any form of deposit in a bank, savings and loan association, credit union, or similar financial institution), unless the aggregate amount of income for all an individual's income producing accounts at the institution for the reporting year is in excess of $200, or the aggregate value at the end of the reporting year of all such income producing accounts is more than $5,000. If either condition is met, each such account must be separately reported. Sections 102(a)(1)(B) and 102(a)(3).

- Asset information with respect to a spouse living separate and apart with the intention of terminating the marriage or providing for permanent separation. Section 102(e)(2).

- Political campaign funds, including campaign receipts and expenditures. Section 102(g).

- In Part VII, information associated with property which is the sole financial interest or responsibility of the spouse or child; which is not derived from the assets, income or activities of the reporting person; from which the reporting person does not derive or expect to derive a benefit; and of which the reporting person has no knowledge. Section 102(e)(1)(E). Omission of such data indicates a certification of these statutory conditions. This rule also applies to the reporting of liabilities, see the Instructions for Part VI.

To help reporting persons in instances where a position held in an economic entity may have a bearing on reporting requirements, the following should be used as guidance:

When a Financial Disclosure Report contains information reflecting a filer's interest in a partnership or other business enterprise, the filer must disclose the assets held by the business entity if a filer can direct, influence or in any other manner affect the purchase, exchange, sale or disposition of the entity or property owned by the entity, or when the filer can influence policy decisions which affect the purchase, exchange, sale or disposition of the entity or of property which it owns.

For annual reports, the reporting period is the calendar year preceding the date of the report. Section 102(a)(1)(B). For final reports, see Appendix II for the appropriate period.

If you, your spouse, and your dependent children did not have assets subject to reporting, check the "None" box rather than leaving Part VII blank.

Commentary

Investment income is to be contrasted with earned income. The crucial factor is the filer's services. If the filer's services are a material factor in the production of income, it is earned income and should be reported in Part III. However, limited partners usually receive investment income from the partnership, since they normally do not perform services for the partnership. Investment income includes returns on investments rather than compensation for personal services. It includes income derived from all forms of property, such as securities, funds, accounts, real estate, partnerships, joint ventures, businesses, and interests in trusts and estates.

When determining whether or not an investment asset should be reported, either the income threshold (in excess of $200 during the preceding calendar year) or the value threshold (in excess of $1,000) at the end of the year is sufficient to require reporting. For accounts in a financial institution, assets must be in excess of $5,000 or produce income in excess of $200. It has been a fairly common misconception from filers that both thresholds must be met before an asset is required to be disclosed.

Normally, any information pertaining to a personal residence is exempted from reporting. However, a second personal residence (e.g., a weekend or vacation home) should be reported if rental income is received for the use of the property.

The reporting of accounts in a financial institution does require some clarification. If the aggregate amount of income for all of an individual's accounts or the value of all such income producing accounts exceeds the established thresholds, then each such account must be separately reported for each individual. It is important to apply the "threshold test" separately to each individual owner of the accounts, which would include the following:

(1) accounts individually owned by filer,

(2) accounts individually owned by spouse,

(3) accounts individually owned by dependent child, and

(4) accounts jointly owned by filer and spouse or dependent child.

It should be understood that a reporting exemption for failure to meet a threshold amount, or for any other reason, does not affect any inquiry or recusal obligation under the Code of Conduct for United States Judges.

2. Description of Assets

In completing Part VII, a separate description of each asset listed is required. To assist the reviewer, assets should be listed in the same order as in the previous report. Each asset reported should be described in sufficient detail so the reader can tell what the property is. As examples:

- For stocks, bonds, and other securities indicate the type of the holding, "common," etc., and its name. Commonly understood abbreviations are permitted.

- For an account within a financial institution, give sufficient information so that it can be identified. Aggregate information may be provided for accounts in each financial institution.

- For notes or accounts receivable, indicate the nature of the receivable and the name of the debtor(s).

- For each real estate interest, indicate the general geographic location, such as city or county and state. If more than one parcel of real estate is owned in the same geographic area, you may identify each parcel by number, i.e., Parcel 1, 2, 3, etc., rather than identifying each parcel by street address, lot, or block number.

- For an interest in a trust, indicate the nature of the interest (e.g., "income beneficiary"), the name (if any) of the trust, and the name and location of the trustee.

- For an interest in a mutual fund or pooled or common trust fund administered by an independent financial or brokerage institution, furnish the name of the fund.

At times, reporting persons inadvertently omit the listing of assets, and correct the previous year's errors in the following year's report. Also, assets which were reported in one year may fail a qualifying requirement (such as a value of $1,000) in the following year and thus are not reported. When this occurs, put an explanatory item in Part VII or in Part VIII, with a reference in Part VII to avoid a letter of inquiry.

In addition, identify with a parenthetical "(X)" assets which have been previously exempt from disclosure and now are reportable. The parenthetical "(X)" should also be used to identify an asset that meets the reporting threshold and is other wise exempt from the reporting requirements for gift under Part V. This should preclude a letter of inquiry from the Committee.

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 35-55 of Instructions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
Place "(X)" after each asset exempt from prior disclosure.	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method3 Code3 (Q-W)	Type (e.g., buy, sell, merger, redemption)	(2) Date Month Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ **NONE** (No reportable income, assets, or transactions)									
1 Lego Common Stock									
2 Rental Property #1, Alexandria, VA (1995 $200,000)									
3 NationsBank (IRA) (CDs)									
4 Cabin Creek National Bank Stock (X)									
5 Court Employee Federal Credit Union IRA (Cash Equivalent)									
6 Fidelity Magellan Mutual Fund									
7 NY State Urban Dev. Corp. Muni. Bond									

1 Income/Gain Codes: (See Col. B1, D4) A=$1,000 or less; B=$1,001-$2,500; C=$2,501-$5,000; D=$5,001-$15,000; E=$15,001-$50,000; F=$50,001-$100,000; G=$100,001-$1,000,000; H1=$1,000,001-$5,000,000; H2=More than $5,000,000

2 Value Codes: (See Col. C1, D3) J=$15,000 or less; K=$15,001-$50,000; L=$50,001-$100,000; M=$100,001-$250,000; N=$250,001-$500,000; O=$500,001-$1,000,000; P1=$1,000,001-$5,000,000; P2=$5,000,001-$25,000,000; P3=$25,000,001-$50,000,000; P4=More than $50,000,000

3 Value Method Codes: (See Col. C2) Q=Appraisal; R=Cost (real estate only); S=Assessment; T=Cash/Market; U=Book value; V=Other; W=Estimated

Notes to Filer:

____ *Do you identify the asset in Column A in sufficient detail to clearly identify the type of property? If no assets are listed, is the NONE box checked?*

____ *If a real estate interest is listed, is the city or county and state listed?*

____ *If a financial institution is listed, is the institution clearly identified?*

____ *If a note or account receivable is listed, are the debtor names and the nature of the debt described?*

____ *If a gas, oil, or mineral interest is listed, do you identify the city or county and state and the name of the energy company or other payor of royalties, working interests, or rentals?*

____ *Do you clearly identify stocks, bonds, mutual funds and the underlying assets of IRAs and brokerage accounts?*

____ *If the asset was not listed on the previous report, do you include transactional information in Column D or a parenthetical "(X)" in Column A denoting that the asset was exempt from disclosure on the previous report?*

____ *If you listed a position in Part I as trustee, administrator, custodian, etc., is the estate or trust listed and the assets therein properly identified?*

Commentary

When listing stocks, bonds, and other securities, the individual name or commonly understood abbreviation should be provided. Stocks should be indicated as "common" or "preferred." Bonds and other securities should have enough detail in the description to differentiate that asset from other similar assets listed. This is particularly helpful for the reviewer and examiner when the filer reports multiple bonds or securities in the same or similar series, or brokerage accounts that lists its accounts in the name of the firm.

When reporting accounts with financial institutions, the type of account does not need to be listed.

When reporting an interest in a mutual fund or common trust fund, only the name of the fund is required. There is no requirement to list the individual assets. An interest in a trust, estate, or similar entity requires the listing of each individual asset unless the exemptions from disclosure of the individual assets in paragraph 7B. Trusts are met.

The reviewer and examiner will note when an asset appears on the current report and is not listed on the prior report and there is no transaction information in Column D. In this situation, the filer should place a parenthetical "(X)" in Column A denoting that the asset was exempt from disclosure in the prior report.

It is important to recognize that in almost every instance where a filer is a trustee, executor, administrator, custodian etc., the filer has the legal authority and responsibility to exercise control over and manage the assets in a trust or estate. It is this authority based on the filer's fiduciary responsibilities to control the purchase, sale, or other disposition of the assets that requires the filer to list the assets in this part.

3. Income

In Column B of Part VII, the income from listed assets must be shown. The disclosure of the gross amount and the type of income -- dividends, rent, interest, or income from discharge of indebtedness -- is required. Sections 102(a)(1)(B) and 109(7). All income is reportable, whether taxable, tax deferred, or tax exempt. When no income is received (or there is a loss) Column B1 under Amount should be left blank and the word "NONE" should appear in Column B2 under Type. When some income is received, the appropriate code, reflecting the amount, should be used. If the type of income is not a dividend, rent, interest, or income from discharge of indebtedness, it should be explained either in Part VII or Part VIII. The ranges are required by statute and the coded amounts for income are listed on the reporting form as follows:

A	-	$1,000 or less
B	-	$1,001 to $2,500
C	-	$2,501 to $5,000
D	-	$5,001 to $15,000
E	-	$15,001 to $50,000
F	-	$50,001 to $100,000
G	-	$100,001 to $1,000,000
H1	-	$1,000,001 to $5,000,000
H2	-	More than $5,000,000

Section 102(a)(1)(B).

The same ranges and codes are used to report capital gains associated with transactions in Column D of Part VII. However, capital gains associated with "distributions" should be treated and reported as dividends in Column B.

The income from U.S. Savings Bonds, and similar investments should be reported if the minimum of $200 is reached.

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 35-55 of Instructions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
Place "(X)" after each asset exempt from prior disclosure	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy, sell, merger, redemption)	(2) Date Month-Day	(3) Value Code3 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
☐ **NONE** (No reportable income, assets, or transactions)									
1 Lego Common Stock		NONE							
2 Rental Property #1, Alexandria, VA. (1995 $200,000)	D	Rent							
3 NationsBank (IRA) (CDs)	A	Interest							
4 Cabin Creek National Bank Stock (X)	B	Dividend							
5 Fidelity Magellan Mutual Fund	B	Dividend							
6 NY State Urban Dev. Corp. Muni. Bond	A	Interest							

1. Income/Gain Codes: (See Col. B1, D4) A=$1,000 or less; B=$1,001-$2,500; C=$2,501-$5,000; D=$5,001-$15,000; E=$15,001-$50,000; F=$50,001-$100,000; G=$100,001-$1,000,000; H1=$1,000,001-$5,000,000; H2=More than $5,000,000
2. Value Codes (See Col. C1, D3): J=$15,000 or less; K=$15,001-$50,000; L=$50,001-$100,000; M=$100,001-$250,000; N=$250,001-$500,000; O=$500,001-$1,000,000; P1=$1,000,001-$5,000,000; P2=$5,000,001-$25,000,000; P3=$25,000,001-$50,000,000; P4=More than $50,000,000
3. Value Method Codes: (See Cols.C2) Q=Appraisal; U=Book value; R=Cost (real estate only); V=Other; S=Assessment; W=Estimated; T=Cash/Market

Notes to filer:

____ *Do you disclose in Column B the amount and type of income?*

____ *If you indicate "NONE" in Column B(2), did you leave Column B(1) blank?*

Commentary

Column B(1), the income amount code, and Column B(2), the type of income, should both be completed if you have income. If no income was received, Column B(1) should be left blank and the word "None" should appear in Column B(2). When some income is received, then the appropriate income amount code and type should be provided.

The statute lists only four types of income- dividends, rent, interest, or income from discharge of indebtedness. If the filer lists another type, then it should be explained in Part VII or Part VIII.

Some filers question whether to report income from IRAs (Individual Retirement Account) or other retirement or pension plans where they are not actually drawing income from the account. All income should be reported, whether taxable, tax deferred, or tax exempt.

Filers will take special care when disclosing an IRA. They are merely arrangements for holding other investments on a tax-deferred basis. The focus should be placed on the underlying investments which should be disclosed. Many IRAs are invested in cash or cash-equivalent accounts, such as a money market fund or other deposit account in a bank. No further information about these accounts is required to be disclosed. However, if any other type of entity, such as a broker holds IRA assets for a filer, the filer must disclose the underlying holdings in the account. IRAs may contain almost any investment, such as mutual funds, stocks, or bonds.

Other tax-deferred retirement or pension accounts (such as Simplified Employee Pensions-SEPs, Keogh Plans-HR-10, 401(k), and 403b Plans) are similar to IRAs and are self-directed where the filer has control over the funds. Therefore, the underlying investments should also be disclosed.

4. Value

In Column C, the gross value of the asset at the end of the reporting period is reported. Section 102(a)(3). The statutory value ranges and a value code for each range are listed on the bottom of the form. These same values are used for the value of reported assets in Column C and for the value of assets reported in the transaction part of Part VII, Column D. They are as follows:

J	-	$15,000 or less
K	-	$15,001 to $50,000
L	-	$50,001 to $100,000
M	-	$100,001 to $250,000
N	-	$250,001 to $500,000
O	-	$500,001 to $1,000,000
P1	-	$1,000,001 to $ 5,000,000
P2	-	$5,000,001 to $25,000,000
P3	-	$25,000,001 to $50,000,000
P4	-	More than $50,000,000

Section 102(d)(1).

In addition, the method used for valuation should be reported in Column C. These are coded as follows:

Q -- Appraisal. Indicate in Part VII-A or Part VIII the date of the appraisal.

R -- Cost. This method may be used only for real property or an interest in a real estate partnership. If used, show in Part VII-A or Part VIII the date of purchase and the amount, not just the category code, of the purchase price.

S -- Assessment -- assessed value for tax purposes. If this method is used, show in Part VII-A or Part VIII the amount, not just the category code, of the assessed value and, if the property is assessed at less than 100% of its value, adjust the assessed value to reflect the current value and explain your adjustment.

T -- Cash/Market. The quoted market price of publicly traded stocks and other securities; the face value of interest bearing corporate or municipal bonds or comparable securities; the balance or surrender value of certificates of deposit, savings and checking accounts, money market funds, etc.

U -- Book. The net worth of a proprietorship, partnership interest, or corporate stock according to the books of such entity. This method may be used only for property interests not publicly traded.

V -- Other. Any other recognized indication of value, such as current selling price of a comparable interest. If this method is used, you must describe in Part VII-A or Part VIII the method used.

W -- Estimated. Your good faith estimate of the value of property if its exact value is not known and a more accurate determination of its value cannot be easily obtained by another method.

The gross value of the property should be indicated without reductions for mortgages, etc. References may be made in Part VII to mortgages included in Part VI (Liabilities).

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 35-55 of Instructions.)*

	A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
		(1)	(2)	(1)	(2)	(1)	If not exempt from disclosure			
	Place "(X)" after each asset exempt from prior disclosure	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy, sell, merger, redemption)	(2) Date: Month-Day	(3) Value Code2 (J-P)	(4) Gain Code1 (A-H)	(5) Identity of buyer/seller (if private transaction)
	☐ **NONE** (No reportable income, assets, or transactions)									
1	Lego Common Stock		NONE	K	T					
2	Rental Property #1, Alexandria, VA (1995 $200,000)	D	Rent	M	R					
3	NationsBank (IRA) (CDs)	A	Interest	J	T					
4	Cabin Creek National Bank Stock (X)	B	Dividend	J	U					
5	Fidelity Magellan Mutual Fund	B	Dividend	K	T					
6	NY State Urban Dev. Corp. Muni. Bond	A	Interest	J	T					

1	Income/Gain Codes: (See Col. B1, D4)	A=$1,000 or less F=$50,001-$100,000	B=$1,001-$2,500 G=$100,001-$1,000,000	C=$2,501-$5,000 H1=$1,000,001-$5,000,000	D=$5,001-$15,000 E=$15,001-$50,000 H2=More than $5,000,000
2	Value Codes: (See Col. C1, D3)	J=$15,000 or less N=$250,001-$500,000 P3=$25,000,001-$50,000,000	K=$15,001-$50,000 O=$500,001-$1,000,000 P4=More than $50,000,000	L=$50,001-$100,000 P1=$1,000,001-$5,000,000	M=$100,001-$250,000 P2=$5,000,001-$25,000,000
3	Value Method Codes: (See Col. C2)	Q=Appraisal U=Book value	R=Cost (real estate only) V=Other	S=Assessment W=Estimated	T=Cash/Market

Notes to Filer:

____ *Do you list in Column C(1) the gross value code (J-P) at the end of the reporting period?*

____ *Do you list in Column C(2) the correct value method code (Q-W) reflecting how the value of the asset was determined?*

____ *If you used value method codes "Q," "R," "S," or "V," did you include the appropriate information in Column A or Part VIII?*

Commentary

If an asset is entirely sold during the reporting period, then Column C should be left blank. However, if an asset is partially sold (such as a portion of the total shares of stock owned), then Column C should be completed.

In addition, it should be emphasized that in Column C(2), there are four value method codes which require additional information in either Column A or Part VIII. Filers tend to forget that each report must stand on its own and as a result often fail to provide the following on their report each year:

(1) "Q"-Appraisal- the date of the appraisal.

(2) "R"-Cost- the date of purchase and the dollar amount of the purchase price.

(3) "S"-Assessment- the dollar amount of the assessed value.

(4) "V"-Other- the filer must describe the method used in Column A (Description) or Part VIII.

5. Transactions

Information on transactions should be entered in Column D. Transactions to be reported involve any purchase, sale or exchange during the reporting period which exceeds $1,000. Section 102(a)(5).

As to each acquisition or disposition, you should disclose:

a) the type of transaction, e.g., buy, sell, merger, inherit, redeem, etc.;

b) the date of the transaction;

c) the value category code indicating the value of the consideration paid or received;

d) the capital gain, if exceeding $200, realized on a disposition, using the appropriate income category code (codes A-H);

e) the identity of the buyer or seller unless the transaction was conducted through public trading, as on a stock or commodities exchange;

f) the liquidation of a bank account or money market fund that may have been reported on a prior report.

If an asset has been bought and sold during the same reporting period, provide the required information about both transactions on successive lines.

On an exchange of properties, e.g., exchange of stock of ABC Co. for stock in XYZ Co. as a result of merger, list both the disposition of the ABC stock, and show any capital gain, whether or not recognized, and the acquisition of the XYZ stock.

The value category codes, codes J-P, which for convenient reference are also shown at the bottom of the report, are listed above under VALUE.

The income category codes, codes A-H, for reporting capital gains, which for convenient reference are also shown at the bottom of the report, are listed above under INCOME. If there is a loss, or no gain or loss, Column D4 under GAIN should be left blank.

You are not required to provide detailed transactional data on:

- transactions solely between yourself, your spouse, and your dependent children. Section 102(a)(5).
- transactions in which the then fair market value of consideration paid or received did not exceed $1,000. Section 102(a)(5).
- transactions involving property used solely as the personal residence of you or your spouse. Section 102(a)(5)(A).
- transactions involving a mere change of form of assets, e.g., a stock split.
- deposits or withdrawals from bank accounts and money market funds.
- transactions involving the reinvestment of dividends, interest, and capital gain distributions.

If property listed in Part VII is acquired (or created) or disposed of (or liquidated) during the year in a transaction that is exempt from disclosure as above noted, indicate in Column D the type of transaction.

If property is partially disposed of during the reporting year, Columns C and D may both require information. To avoid a response to questions of possible errors in reporting, indicate in Column D(1) that it was "part sold."

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 35-55 of Instructions.)*

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transaction during reporting period				
	(1)	(2)	(1)	(2)	(1)			If for exempt from disclosure	
Place "(X)" after each asset exempt from prior disclosure	Amt. Code1 (A-H)	Type (Gas, div., rent or int.)	Value Code2 (J-P)	Value Method Codes (Q-W)	Type (e.g., buy, sale, merger, redemption)	Date Month-Day	Value Code2 (J-P)	Gain Code1 (A-H)	(3) Identity of buyer/seller (if private transaction)
☐ **NONE** (No reportable income, assets, or transactions)									
1 Lego Common Stock		NONE	K	T	Buy	7/10	J		
2					Partial Sale	9/1	J	A	
3					Buy	12/1	J		
4 Rental Property #1, Alexandria, VA (1995 $200,000)	C	Rent			Sold	12/5	N	C	Joe Smith
5 NationsBank (IRA) (CDs)	A	Interest	J	T	Buy	11/10	J		
6 Bell Atlantic	A	Dividend			Buy	2/5	K		
7					Sold	11/3	K	A	
8 Cabin Creek National Bank Stock (X)	B	Dividend	K	U	Partial Sale	4/8	J	A	Jerry West
9 Fidelity Magellan Mutual Fund	B	Dividend	K	T	Buy Monthly		J		
10 NY State Urban Dev. Corp. Muni. Bond	A	Interest			Redeem	7/5	J		

1 Income/Gain Codes: (See Col. B1, D4)	A=$1,000 or less E=$50,001-$100,000	B=$1,001-$2,500 G=$100,001-$1,000,000	C=$2,501-$5,000 H1=$1,000,001-$5,000,000	D=$5,001-$15,000 H2=More than $5,000,000	E=$15,001-$50,000
2 Value Codes: (See Col. C1, D3)	J=$15,000 or less N=$250,001-$500,000 P3=$25,000,001-$50,000,000	K=$15,001-$50,000 O=$500,001-$1,000,000 P4=More than $50,000,000	L=$50,001-$100,000 P1=$1,000,001-$5,000,000	M=$100,001-$250,000 P2=$5,000,001-$25,000,000	
3 Value Method Codes: (See Col. C2)	Q=Appraisal U=Book value	R=Cost (real estate only) V=Other	S=Assessment W=Estimated	T=Cash/Market	

Notes to filer:

____ *If the asset is a new listing, do you list in Column D information on the transaction?*

____ *Do you list the date of the transaction in Column D(2)?*

____ *Do you list in Column D(3) the value code (J-P) indicating the value of the consideration paid or received for the asset?*

____ *Do you list in Column D(4) capital gain (income codes A-H) realized on the disposition of the asset or leave this column "blank" if there was no gain or a loss?*

____ *If an asset is partially disposed of or sold, did you indicate "partial sale" in Column D(2)?*

____ *If an asset was completely disposed of or sold, did you leave Column C blank and complete Columns D(1)-(5) as appropriate?*

____ *Do you list the identity of the buyer or seller for all transactions not conducted through public trading, as on a stock or commodities exchange?*

Commentary

In addition to purchases and sales, other types of transactions such as mergers, gifts, inheritances, and redemptions require completion of all parts of Columns D(1)-(3).

If an asset was disposed of (sale or redemption), then Column D(4)- the capital gain code should also be provided. In addition, Column D(5) should be completed as to the identity of the buyer or seller if it was a private transaction (as opposed to a transaction conducted through public trading, as on a stock or commodities exchange).

It should be noted that some filers leave Column D blank when they have a transaction which does not require complete details. However, Column D(1) should be completed to provide the type of transaction. This is a common omission when the filer either opens or closes an account in a financial institution. The following are common examples of these types of transactions:

(1) opening and closing of accounts in financial institutions, including the rollover of an account from one financial institution to another,

(2) transactions solely between the filer, his or her spouse, and dependent children,

(3) transactions in which the then fair market value of consideration paid or received did not exceed $1,000, and

(4) transactions involving a mere change of form of assets, e.g., a stock split.

6. Widely Held Investment Funds

A fund is a widely held investment fund if it

> is publicly traded or the assets of the fund are widely diversified, and the reporting person neither exercises control, nor has the ability to exercise control over the financial interests held by the fund. Section 102(f)(8).

A reporting person must report holdings in widely held investment funds. The reporting person must report the income from the fund, the end of period value, and transactions with regard to the fund. The reporting person is not required to report the individual assets owned by the fund, or the transactions engaged in by the fund. Rather, the fund itself, is considered to be the source of the income obtained therefrom, even though that income includes dividends, interest on capital gains earned with respect to stocks, bonds, etc., held by the fund. Accordingly, a reporting person would report a widely held fund as follows:

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children See pp 35-55 of Instructions.)*

A Description of Assets (including trust assets)	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
Place "[X]" after each asset exempt from prior disclosure	Amt. Code1 (A-H)	Type (e.g., div., rent, or int.)	Value Code (J-P)	Value Method Code (Q-W)	Type (e.g., buy, sell, merger, redemption)	Date Month-Day	Value Code (J-P)	Gain Code (A-H)	Identity of buyer/seller (if private transaction)
[ ] **NONE** (No reportable income, assets, or transactions)									
1 Washington Growth Mutual Fund	C	Dividend	L	T					
2 Janus Enterprise Mutual Fund	B	Dividend			Sell	11/3	K	A	
3 Fidelity Growth Mutual Fund	A	Dividend	K	T	Buy	3/2	J		
4									

1 Income/Gain Codes: (See Col. B1, D4)	A=$1,000 or less F=$50,001-$100,000	B=$1,001-$2,500 G=$100,001-$1,000,000	C=$2,501-$5,000 H1=$1,000,001-$5,000,000	D=$5,001-$15,000 H2=More than $5,000,000	E=$15,001-$50,000
2 Value Codes: (See Col. C1, D3)	J=$15,000 or less N=$250,001-$500,000 P3=$25,000,001-$50,000,000	K=$15,001-$50,000 O=$500,001-$1,000,000 P4=More than $50,000,000	L=$50,001-$100,000 P1=$1,000,001-$5,000,000	M=$100,001-$250,000 P2=$5,000,001-$25,000,000	
3 Value Method Codes: (See Col. C2)	Q=Appraisal U=Book value	R=Cost (real estate only) V=Other	S=Assessment W=Estimated	T=Cash/Market	

7. Aggregate Ownership Arrangements - Trusts, IRAs, and Investment Clubs

A. Aggregate Reporting

The Committee has established special rules for reporting assets held in an ownership arrangement which is separate from the reporting person himself or herself, referred to herein as an "Aggregate Ownership Arrangement." A personal stock account with a brokerage is not considered an Aggregate Ownership Arrangement. As discussed below, a reporting person will have to identify each separate asset held in the Aggregate Ownership Arrangement and report transactions regarding each asset. However, the reporting person can report the aggregate (total) income and end of period value of the asset and need[1] not provide the separate income and end of period value of each separate asset therein.

The basic rule is that the income, value, and transactions of the holdings of any Aggregate Ownership Arrangement in which the reporting person, spouse, or dependent child has a beneficial interest must be reported if the arrangement itself had ownership of any asset having a value of $1,000 at the end of the reporting period, regardless of the value of the reporting person, spouse, or dependent child's individual share. Thus, there must be a list of each asset owned by the Aggregate Ownership Arrangement having a value in excess of $1,000 or affected by any transaction in excess of $1,000.

As to each Aggregate Ownership Arrangement, the reporting person shall provide, on a line in Part VII, the following:

(1) The identity of the Aggregate Ownership Arrangement in Column A.

(2) Aggregate income information in Column B.

(3) Aggregate gross value in Column C.

(4) Transaction as the the Aggregate Ownership Arrangement itself in Column D.

On the lines following the line for the Aggregate Ownership Arrangement, each separate asset owned by, or in, the arrangement during the reporting period must be reported as follows:

(1) The identity of the separate asset in Column A, preceded by a dash to show that it is part of the aggregate entry.

(2) Column B, income information, is left blank.

---

[1] Of course, if the reporting person wishes to provide the income and end of period value with respect to each separate asset, it is permissible to do so.

(3) Column C, gross value, is left blank.

(4) Transactions of the Aggregate Ownership Arrangement as to the separate assets are reported in Column D.

If the Aggregate Ownership Arrangement was utilized for a substantial number of assets and there is available clear documentation of all required information, the reporting person may apply to the Committee for leave to report the assets in an alternate manner. Any request should be made sufficiently in advance of the filing deadline to permit careful consideration and discussion with the reporting person.

There follows an illustration of the method for reporting an Aggregate Ownership Arrangement in accordance with the foregoing discussion:

VII. Page 1 INVESTMENTS and TRUSTS -- income, value, transactions *(Includes those of spouse and dependent children. See pp. 35-55 of Instructions.)*

A Description of Assets (including trust assets)	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
Place "(X)" after each asset exempt from prior disclosure	Amt. Code1 (A-H)	Type (e.g., div., rent or int.)	Value Code2 (J-P)	Value Method Code3 (Q-W)	Type (e.g., buy, sell, merger, redemption)	Date Month Day	Value Code2 (J-P)	Gain Code1 (A-H)	Identity of buyer/seller (if private transaction)
☐ **NONE** (No reportable income, assets, or transactions)									
1 George Washington Trust	B	Div. & Int.	L	T					
2 - IBM Stock									
3 - Merrill Lynch 20th Century Mutual Fund									
4 - NY City Transportation Bonds					Buy	12/21	L		
5 Merrill Lynch - IRA	E	Div. & Int.	M	T					
6 - Merrill Lynch Health Mutual Fund									
7 - Merrill Lynch Growth Mutual Fund					Buy	1/8	K		

8 - Capitol Holding Stock					Sell	4/5	K	A	
9 Blue Sky Investment Club	B	Div. & Int	K	T	Buy	1/4	K		
10 - IBM Common									
11 - General Motors					Buy	3/6	K		
12 - AOL					Partial Sale	8/10	L	C	

1. Income/Gain Codes: (See Col. B1-D4)	A=$1,000 or less F=$50,001-$100,000	B=$1,001-$2,500 G=$100,001-$1,000,000	C=$2,501-$5,000 H1=$1,000,001-$5,000,000	D=$5,001-$15,000 H2=More than $5,000,000	E=$15,001-$50,000
2. Value Codes: (See Col. C1, D3)	J=$15,000 or less N=$250,001-$500,000 P3=$25,000,001-$50,000,000	K=$15,001-$50,000 O=$500,001-$1,000,000 P4=More than $50,000,000	L=$50,001-$100,000 P1=$1,000,001-$5,000,000	M=$100,001-$250,000 P2=$5,000,001-$25,000,000	
3. Value Method Codes: (See Col. C2)	Q=Appraisal U=Book value	R=Cost (real estate only) V=Other	S=Assessment W=Estimated	T=Cash/Market	

Notes to filer:

____ *Did you complete the appropriate columns for each asset required to be individually listed in a trust, estate, investment club, or other similar financial arrangement?*

B. Trusts

The reporting of a position in Part I as trustee, executor, administrator, custodian, or any similar position requires a listing in Part VII of the assets involved if either you, your spouse, or any of your dependent children (1) has a beneficial interest in the estate or fund with which you are associated, or (2) controls the purchase, sale, or other disposition of the estate or fund.

A reporting person must also report all trusts[2] in which he or she, his or her spouse or dependent child has a beneficial interest. However, a reporting person does not have to report a contingent interest in a trust if the reporter has no control over the assets of the trust. An interest is contingent if there is no present right or ability to any income or principal, and the future is uncertain either by survivorship or otherwise.

A reporting person who is required to report a trust, etc. must report the separate assets of the trust or estate as an Aggregate Ownership Arrangement discussed above. However, the reporting person need not report the separate assets of a trust

[2] Except, for employees other than judges, the assets of a qualified blind trust which is approved by the Committee need not be reported. See the discussion in paragraph C.

(1) which was not created directly by the reporting person, his spouse, or any dependent child; and

(2) the holdings or sources of income, of which the person, his spouse, or any dependent child have no knowledge. Section 102(f)(2).

C. Qualified Blind Trust (Employees Other Than Judges)

A qualified blind trust is subject to special rules. Section 102(f).

The reporting person, other than a judge, is not required to report in Column A the individual assets of a "qualified blind trust." Section 102(f)(1). The effect of the Code of Conduct for United States Judges (Canon 3(c)(2)) precludes qualified blind trusts for judges, their spouses, and dependent children. Other judicial employees may own beneficial interests in qualified blind trusts as defined and conditioned in the pertinent statutes. Judicial employees considering the establishment of a qualified blind trust are directed specifically to Section 102(f)(3)(D), which requires approval by the Committee on Financial Disclosure.

Commentary

The following are examples of statutory guidelines on related subjects extracted from The Codes of Conduct For Judges and Judicial Employees. These guidelines should provide assistance as to the propriety of disclosing certain financial interests.

(1) "Financial interest" means ownership of a legal or equitable interest, however small. (Canon 3(C)(3)(c).)

(2) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund. (Canon 3(C)(3)(c)(i).)

(3) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization. (Canon 3(C)(3)(c)(ii).)

(4) A policy holder in a mutual insurance company, a depositor in a mutual savings association, or owner of government securities has a "financial interest," if the outcome of any proceeding in which the filer participates could substantially affect the value of the interests. (Canon 3(C)(3)(c)(iii) and (iv).)

(5) An interest in a limited partnership designed to engage in particular investment strategies can fall within the concept of a "common investment fund" when the judge has no control or influence over the general partner or over the investment decisions. The investment vehicle is similar to a mutual fund. (Compendium § 3.1-3(e) (1999).)

(6) A judge has a "financial interest" in each of the named underlying equity securities when the judge's IRA owns units of an investment vehicle which holds 15 named corporations, the portfolio is not actively managed, and it is not contemplated the securities will be sold or exchanged prior to termination of the investment vehicle in ten years. Investment vehicle does not qualify as "mutual fund or common investment fund" under Canon 3C. (Compendium § 3.1-3(f) (1999).)

(7) A law firm's KEOGH plan or 401k plan managed by the firm, small number of participants, ready access to investment information does not qualify for the "common fund" exception under Canon 3C. (Compendium § 3.1-3(c) (1999).)

(8) A law firm's retirement fund qualifies for the "common investment fund" exception under Canon 3C where the financial interest is indirect (due to the number of participants and the size and diversity of investments), directed investment by participants is not available, and the participants do not know and cannot easily find out about a fund's portfolio, which turns over frequently. (Compendium § 3.1-3(c-1) (1999).)

VIII. Explanatory Comments

Use this part to add information clarifying other portions of the report. Of particular importance is any information, such as a reference to opinions of the Committee on Codes of Conduct and actions of a Judicial Council, that bears on possible conflicts of interest or problems under the Code of Conduct for United States Judges. Also use this part to explain any apparent inconsistencies between the current report and past reports.

Place explanatory comments either with the item or in Part VIII that will facilitate "tracing" items from one report to the next. For example, indicate if an asset has a different name from that used in the prior report because of a reorganization or change of name.

Use attachment pages if more space is needed.

IX. Certification and Signature

The certifications provided on the form cover (1) a certification that the report is accurate, true, and complete as to all information required by the Act to be reported; and (2) a certification

that earned income from outside employment and honoraria and the acceptance of gifts that have been reported are in compliance with the provisions of applicable laws and regulations.

The original report that is to be filed with the Committee must bear the original signature of the reporting person; the other three copies may be copies of the signed original. At least one copy of an amended return or of a clarifying letter responding to a Committee inquiry must bear the original signature of the reporting person; all other copies shall be copies of the signed original. The signature of the reporting person may be excused only during a period of physical or mental incapacity of that person.

Promptly upon discovery that an error has been made in a report, amend the report by one of the methods explained on page 4.

COMPLIANCE AND SANCTIONS

Compliance with filing and reporting requirements is monitored pursuant to 5 U.S.C. app. 4, § 106.

One who knowingly and willfully falsifies or fails to file or report any information required under the Act is subject to civil and criminal sanctions. Section 104(a).

ETHICAL STANDARDS

The disclosure requirements and exemptions from disclosure contained in the Act neither define nor limit the standards imposed by the Code of Conduct for United States Judges and other rules of the Judicial Conference of the United States or the statutory provisions for disqualification or recusal.

For example, disclosure of financial interests under the Act is required only for interests exceeding a stated minimum amount of value and only with respect to certain members of a person's family, whereas 28 U.S.C. § 455(b)(4) applies to financial interests without regard to amount and 28 U.S.C. § 455(b)(5) applies to participation in litigation by a person within the third degree of relationship to the judge. Similarly, the Act exempts from disclosure matters relating to campaign receipts and campaign disbursements, most of which would be prohibited under the Code of Judicial Conduct for United States Judges, which also precludes qualified blind trusts for judges.

PUBLIC ACCESS

Financial Disclosure Reports are public documents, open to inspection and copying at the office of the Committee on Financial Disclosure. Reports will be made available to the public in accordance with the regulations of the Judicial Conference of the United States on Access to Financial Disclosure Reports Filed by Judges and Judiciary Employees Under the Ethics in Government Act of 1978, as Amended. Sections 105(a) and (b)(1).

A report will be made available only to a person who completes the AO Form 10A, Request for Examination of Report Filed by a Judicial Officer or Employee, in writing.

It shall be unlawful for any person to obtain or use a report--

(A) for any unlawful purpose;

(B) for any commercial purpose other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any person; or

(D) for use directly or indirectly, in the solicitation of money for any political, charitable, or other purpose. Section 105(c)(1).

The Attorney General may bring a civil action against any person who obtains or uses a report for any prohibited purpose described above. The court in which such action is brought may assess against such person a penalty in any amount not to exceed $10,000. Such remedy shall be in addition to any other remedy available under statutory or common law. Section 105(c)(2).

APPENDIX I

INITIAL REPORTS

WHO MUST FILE AND WHEN

Persons nominated to be JUDICIAL OFFICERS must file an initial report within 5 days of the transmittal of their nomination by the President to the Senate. Section 101(b)(1).

Newly-appointed JUDICIAL EMPLOYEES must file an initial report within 30 days of assuming their positions, Section 101(a), if they assume their position before November 1. Newly-appointed JUDICIAL EMPLOYEES who assume their positions between November 1 and December 31 must file an initial report by March 15 of the subsequent year.

Judicial employees who receive a promotion or change in the rate of pay which results in pay equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule before November 1, must file an initial report within 30 days of the promotion or pay change. If the promotion or pay adjustment occurs between November 1 and December 31, judicial employees must file an initial report by March 15 of the subsequent year.

A JUDICIAL EMPLOYEE who is not expected to perform the duties of the office or position for more than sixty (60) days in a calendar year is not required to file an annual report. However, if the person actually performs duties for more than sixty (60) days, an initial report must be filed within fifteen (15) days of the sixtieth day. Section 101(h).

INSTRUCTIONS FOR COMPLETING EACH PART

Below are specific instructions that differ from those provided for annual reports.

Identifying Information

BLOCK 3. **Date of Report**. For a JUDICIAL EMPLOYEE, a date that is no more than 30 days after your entry in the position if you entered before November 1. If you entered between November 1 and December 31, the "Date of Report" should be no later than March 15. For a person nominated to be a JUDICIAL OFFICER, the date should be no more than 5 days after submission of your nomination to the Senate.

BLOCK 5. **Report Type.** Check the appropriate report form and in the case of a nomination report show the date your nomination was transmitted to the Senate.

BLOCK 6. **Reporting Period.** The beginning date (January 1 of the year preceding the year you assumed your office or were nominated) and the ending date (a date you choose that precedes the "Date of Report" by no more than 30 days).

I. Positions

The reporting period is the two calendar years preceding the date of the report through the filing date in the current calendar year. Section 102(a)(6)(A).

III. Non-investment Income

The reporting period is the calendar year preceding the date of the report and the year of filing. Section 102(b)(1)(A).

In addition, you must report compensation, other than from the United States Government, in excess of $5,000 in any of the two calendar years prior to the calendar year during which you file your first report. Section 102(a)(6)(B).

You must include the identity of each source of such compensation and a brief description of the nature of the duties performed or services rendered by the reporting person for each source. Section 102(a)(6)(B).

You are not required to report any information which is considered confidential as a result of a privileged relationship, established by law between the reporting person and any person, nor are you required to report any information with respect to any person for whom services were provided by any firm or association of which the reporting person was a member, partner, or employee unless the reporting person was directly involved in the provision of such services. Section 102(a)(6)(B).

IV. and V. Reimbursements and Gifts

You are not required to complete these parts of the report. Section 102(b)(1). Note "exempt" in these two spaces.

VI. Liabilities

The reporting period is the calendar year preceding the date of the report through a date which is less than thirty-one days before the filing date. Section 102(b)(1)(B).

VII. Investments and Trusts

The reporting period for providing income information for assets is the calendar year preceding the date of the report and the year of filing. Section 102(b)(1)(A). The reporting period for providing value information for assets is the calendar year preceding the date of the report through a date which is less than thirty-one days before the filing date. Section 102(b)(1)(B). **You are not required to complete Subpart D "Transactions."** Section 102(b)(1). Note "exempt" in Column D(1).

APPENDIX II

FINAL REPORTS

WHO MUST FILE AND WHEN

A JUDICIAL OFFICER who works 60 days or more in a calendar year is required to file a final report within thirty days after resigning under 28 U.S.C. § 371(a) or otherwise ceasing to continue in such position. A JUDICIAL OFFICER who retires under 28 U.S.C. § 371(b) is not required at that time to file a final report, but continues to be obligated to file an annual report for any year in which the relevant Judicial Council authorizes the employment by the judge of at least one law clerk or secretary, unless the judge certifies that he or she did not perform the duties of his or her office for more than sixty (60) days.

A JUDICIAL EMPLOYEE who works 60 days or more in a calendar year is required to file a final report within thirty days of termination of employment. Section 101(e).

A JUDICIAL OFFICER OR JUDICIAL EMPLOYEE accepting another position in the federal government subject to financial disclosure reporting is not required to file a final report when changing position. Section 101(e).

INSTRUCTIONS FOR COMPLETING EACH PART

Below are specific instructions that differ from those provided for annual reports.

Identifying Information

BLOCK 3. **Date of Report.** The date the report is completed, and not more than 30 days after termination of employment.

BLOCK 5. **Report Type.** Check final report.

BLOCK 6. **Reporting Period.** Show both the beginning and ending date of the reporting period. The beginning date will be January 1 of the current year if an annual report has already been filed covering the preceding calendar year; otherwise, it will be January 1 of the preceding calendar year. The ending date is the date of termination of employment.

Parts I. - VII.

The reporting period is the calendar year preceding the date of the report through the filing date in the current calendar year. Section 102(c). If an annual report was already filed covering the preceding calendar year, then the reporting period is the current calendar year through the filing date.

APPENDIX III

ADDITIONAL REFERENCES

Regulations concerning gifts, outside earned income, honoraria, and outside employment and the codes of conduct are contained in the Guide to Judiciary Policies and Procedures, Volume II, Codes of Conduct for Judges and Judicial Employees.

The Committee on Codes of Conduct has established a database on Westlaw containing the ethical materials in Volume II of the Guide. To use this database, log on to Westlaw using your judiciary-provided Westlaw password (you cannot access this database with a password provided by anyone other than the federal judiciary). When prompted for a file name, enter CONDUCT (this file name does not appear on the Westlaw menu). Once entered into the database file, research may be conducted using established Westlaw search mechanisms.

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The Times-Picayune

METRO

SECTION B

Sunday, March 19, 1995

Amending sentence questioned

Federal judge defends action

By JOE DARBY
West Bank bureau

U.S. District Judge Thomas Porteous, while serving his final weeks on the state bench in Jefferson Parish, illegally amended a convicted drug offender's burglary sentence and then removed it from the man's record, according to the Metropolitan Crime Commission.

Porteous, a judge in the 24th Judicial District for 10 years, said Aubrey Wallace, 35, of Marrero, deserved a "break." The judge said he has known the fired Jefferson Parish deputy for years and believed Wallace could turn his life around.

Wallace had told the judge he wanted the expungement so one day he could be a bail bondsman, a state-regulated job that requires a clean criminal record.

State law forbids a judge to alter a sentence once it has been executed.

Though illegal, Porteous amended Wallace's sentence in September, and then expunged the burglary conviction just two weeks before he was appointed to the federal bench in October 1994, apparently after his FBI and other federal background checks were completed. Both the state and federal agencies that receive complaints against judges say they lack the jurisdiction to investigate this one because of Porteous' job change.

Meanwhile, the crime commission, a citizens' watchdog group that investigated the matter, has filed a complaint with the U.S. Justice Department. U.S. Attorney Eddie Jordan said he will not comment until he has seen the complaint.

The crime commission investigation found:

▶ On June 26, 1990, Wallace pleaded guilty to burglary and was sentenced by Porteous to a three-year suspended prison term and two years probation.

▶ Less than two years later, on Dec. 11, 1991, Porteous, at the request of probation officials, declared Wallace's probation "ter-

See SENTENCE, next page

U.S. DISTRICT JUDGE THOMAS PORTEOUS
Crime commission files complaint

CONTINUED . . .

Sentence

From B-1

minated unsatisfactorily" because he couldn't complete his probation — he was in prison on an unrelated drug conviction.

▶ On Sept. 22, 1994, Porteous, at Wallace's request, removed the unsatisfactory probation from his criminal record and retroactively changed his original guilty plea to a special plea that allows a criminal record to be expunged once probation is successfully terminated.

▶ On Oct. 14, 1994, two weeks before he was sworn in as a federal judge, Porteous expunged Wallace's burglary conviction.

"The judge had no authority to do what he did," said Rafael Goyeneche, the crime commission's managing director. "This shows the good ol' boy network is alive and well."

At the time Porteous expunged the burglary conviction, Wallace still was on parole for a narcotics conviction. He pleaded guilty Feb. 26, 1991, to possession of more than 28 grams of cocaine and possession of PCP and was sentenced to five years in prison. He was paroled Aug. 5, 1992.

Wallace's drug conviction cannot be expunged under state law. Only the governor can pardon a drug offender, which would be necessary to clear Wallace's criminal record. A State Pardon Board spokeswoman said Wallace has not applied for clemency.

On the burglary conviction, Porteous said he was simply correcting an oversight. He said Wallace should have been allowed to plead guilty to the burglary under a state law that allows records of certain crimes to be expunged once probation is successfully completed.

He said Wallace would have been entitled to the plea because he was technically a first-time offender, even though he was awaiting trial on the drug charges at the time and later pleaded guilty.

The crime commission contends Porteous expunged Wallace's record because the judge is friends with Louis Marcotte, who owns Bail Bonds Unlimited, where Wallace was a janitor until last November, when the state Parole Board had him arrested for a parole violation. Felons may not work at a bonding company in any capacity. For the violation, Wallace was jailed for two weeks and warned.

But the judge denied that friendship had anything to do with his action. "I've known Wallace a lot longer than I've known Marcotte," Porteous said.

"Did I do it because I knew him?" he asked. "Sure, because I had a better grasp of him than I would of someone I didn't know."

Porteous said he knew Wallace as a deputy. Wallace was fired in 1987, after having been employed for less than two years, said Maj. John Fortunato, a spokesman for the Sheriff's Office. The record does not reflect the reason, he said.

Goyeneche disagreed with the judge's rationale. Wallace is a "criminal, convicted in a major narcotics case, who does not deserve the type of special treatment that was bestowed on him."

Porteous defended his action, saying it was done in open court and with the knowledge of the district attorney's office. When Porteous amended Wallace's sentence, he said, "I've already spoken with the DA on this," according to the court transcript.

A spokeswoman for the Judicial Commission said the state has no power to sanction a judge who is no longer on the state bench. She said she could not comment on Porteous' action, but said judicial ethics forbid a judge to do anything that would bring the judiciary into disrepute.

A spokeswoman for the U.S. District Court clerk's office in New Orleans, which receives complaints about federal judges here, said the office lacks the jurisdiction to investigate allegations about judges before they are appointed to the federal bench.

Besides avoiding possible judicial discipline, the timing of Porteous' action also avoided any serious political repercussions. Goyeneche doubts the Senate would have confirmed Porteous' appointment to the federal bench if his actions had been known. A federal judicial appointment is for life.

"I think he was a great state judge, and I think he will be a great federal judge," said U.S. Sen. John Breaux, through a spokeswoman, Betty Phelan. Breaux and Sen. J. Bennett Johnston recommended Porteous to President Clinton.

Scott Trahan, a spokesman for Johnston, said Porteous checked out at the time. "There's no way to look back and say what would have been done. But the judge had gone through an FBI background check, which he passed with flying colors, and he had the overwhelming endorsement of the American Bar Association."

HP Exhibit 119(a)

2458

MCC0235

FD-350 (Rev. 5-8-81)

(Indicate page, name of newspaper, city and state.)

PAGE B-3
TIMES PICAYUNE, NEW ORLEANS LA.

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Character: CSLPO
or
Classification: 194B-15

Submitting Office: NEW ORLEANS

(Mount Clipping in Space Below)

$80,000 house is used as surety for $300,000 in bonds

Most would agree that the little house at 222 Aurora Ave. in Metairie is a pleasant enough place to live. It's in pretty good shape. The neighborhood is nice and quiet. There's a church nearby.

But it's not worth $300,000. Still, that was the amount of the bonds of three suspected felons who got out of jail when a bondsman put up the house as security.

Courthouse records show that the house is owned by Metairie bail bondsman Adam Barnett, who has pledged it as surety three times between October and May to get suspects — whose charges ranged from theft to attempted murder — out of jail. In each case, the bonds exceeded the value of Barnett's house.

Records show that the property is assessed for $80,000, but is worth less than that because of a $57,000 mortgage. But Judges Jacob Karno and Thomas Porteous signed bonds totaling $300,000 when the house was pledged.

"The judge was wrong for having signed that bond," said Guy Ruggiero, president of the Association of Louisiana Bail Underwriters. "The honest way to do a property bond is take the assessed value, less any mortgages, and that is what you can use your property for."

The judges acknowledge the discrepancy between the value of the house and size of the bonds. Porteous said that if the two bonds he approved crossed his desk again, he probably wouldn't sign them.

But both judges said they didn't do anything wrong, citing the wide discretion that bond laws give them. And Karno said he considers more than the value of a house when approving a property bond — he holds the bondsman and all of his property liable.

The judges also said their main concern was that the suspects showed up for court.

"I don't see what the concern is. He showed up, didn't he?" Karno said when asked about the $100,000 bond he signed for James Snyder, who is charged with attempted murder and armed robbery. "You look at a lot of factors. How long has the defendant been here, how long has the person signing the bond been here. I've known Adam (Barnett) since he was born."

Still, the district attorney's office was concerned enough about the integrity of the surety that it decided to challenge one of the bonds — a $50,000 bond put up by Barnett to get theft suspect Tracey Ireland out of jail.

Since being released in February, Ireland was arrested again in Florida and extradited back to Jefferson Parish. She sat shackled in court Thursday as Barnett, his father Ralph, who is also his attorney, and an official from the district attorney's office discussed the value of the Aurora Avenue property.

But before the district attorney could challenge the bond in court, Barnett withdrew it — essentially leaving Ireland with no bond — and the bailiffs took her back to jail. "It made the whole thing moot," said Henry Sullivan of the district attorney's office bonds division.

Barnett would not discuss the bond except to say that he had done nothing illegal. And he had not, under the law in place at the time, officials said. But under the bond reform act, which took effect in June, he could be thrown in jail if he did it now.

The new law says that property pledged as surety must be worth one-and-a-half times the amount of the bond. That was done, officials said, to ensure the court isn't left empty-handed if a suspect decides not to appear in court.

HP Exhibit 119(z)

194B-15-533E

10/19/04 16:45 FAX 504 310 7580 US COURT OF APPEALS 002/005

SC EXHIBIT - 00036

SEALED BY COURT ORDER

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF LOUISIANA

U.S. COURT OF APPEALS
FILED
OCT 19 2004
CHARLES R. FULBRUGE III
CLERK

IN RE: GRAND JURY TESTIMONY : MISC. NO. 04-29

R U L I N G

On August 19, 2004, and September 9, 2004, Mr. Claude C. Lightfoot, Jr. gave testimony before the Grand Jury considering *inter alia* the conduct of Judge Gabriel Thomas Porter, Jr. (Judge Porteous) in connection with his bankruptcy proceeding filed in the Eastern District of Louisiana. Mr. Lightfoot is an attorney specializing in bankruptcy matters who represented Judge Porteous and his wife in connection with their bankruptcy proceeding. On several occasions, Mr. Lightfoot left the grand jury room and consulted with Judge Porteous's attorney who objected to a number of questions addressed to Mr. Lightfoot on grounds of attorney/client privilege. Counsel objected to and refused to answer questions in the following areas:

1. What discussions were had between counsel and Judge Porteous with regard to not sending Regions Bank a work out letter?
2. The scheduled listed wedding rings. Did counsel discuss with Judge Porteous whether there was an engagement ring?
3. What discussions were had with Judge Porteous and what

advice and instructions did counsel give him about what information to include or not include on the bankruptcy forms?

4. What discussions did counsel have with Judge Porteous about what amount to include as his monthly income?

5. What discussions did counsel have and what advice and instructions did he give Judge Porteous about compliance with the order confirming the bankruptcy plan?

6. What discussions did counsel have and what advice and instructions did counsel give Judge Porteous about his discharge in bankruptcy?

7. What discussions did counsel have with Judge Porteous about the names that appear on the original petition (Ortous)?

The questions related to items 2,3,4 and 7 are covered in principle by the court's ruling of June 21, 2004. These questions call for communications between Judge Porteous and counsel concerning data to be included in the public papers to be filed in connection with the bankruptcy proceeding. As the earlier ruling makes clear, when information is disclosed to counsel for the purpose of being incorporated into a bankruptcy petition or other public filing, there is no intent for the information to be held in confidence. See U.S. v. White, 950 F.2d 426 (7th Cir. 1991). Accordingly, the objections to disclosing the information covered

by items 2,3,4 and 7 are overruled and the witness is directed to answer these questions.

Item 1 concerns discussions between counsel and Judge Porteous relating to not sending Regions Bank a workout letter. We agree with the government's argument set forth in its memorandum filed under seal, that the attorney client privilege does not apply to this communication because of the crime-fraud exception and that the government has made out a prima facie case of a crime or fraud reasonably related to this inquiry.[1] The objection to disclosure of the information called for in this question is therefore overruled and the witness is directed to answer this question.

Issue 5 relates to communications between Judge Porteous and Mr. Lightfoot about compliance with the order confirming the bankruptcy plan. We agree with the government's argument set forth in its memorandum filed under seal, that the attorney client privilege does not apply to this communication because of the crime-fraud exception and that the government has made out a prima facie case of a crime or fraud reasonably related to this inquiry. Accordingly, the objections to questions on this issue are overruled and the witness is directed to answer these questions.

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[1] Accordingly, we reject the argument that in the grand jury context, a target or witness is entitled to rebut the government's prima facie showing under seal that a crime or fraud has been committed. See In re Grand Jury Proceedings (Violette), 183 F.3d 71 (1st Cir. 1999); In re: Grand Jury Subpoena, 223 F.3d 213 (3d Cir. 2000); In re Grand Jury Proceedings (Doe), 1993. U.S. App. LEXIS 1247 (9th Ci. 1993).

Issue 6 calls for testimony from counsel about advice and instructions he gave Judge Porteous about his discharge in bankruptcy. We are not persuaded that the government has demonstrated a reasonable relationship between any fraudulent or criminal activity and the information called for by this question. Therefore the objection to questions relating to counsel's advice about the discharge in bankruptcy are sustained.

The court has concluded that it does not need oral argument and therefore counsel's motion for oral argument is DENIED.

Lafayette, Louisiana this 19th of October, 2004.

W. EUGENE DAVIS
United States Circuit Judge
Sitting by Designation

01:38 1 JUDGE LAKE: Please come forward and be sworn.
2 Do you solemnly swear that the testimony you
3 shall give in this proceeding will be the truth, the whole
4 truth, and nothing but the truth, so help you God?
01:39 5 THE WITNESS: I do.
6 **CLAUDE C. LIGHTFOOT, JR., DULY SWORN, TESTIFIED:**
7 **DIRECT EXAMINATION**
8 BY JUDGE PORTEOUS:
9 Q. Mr. Lightfoot, just state your name for the record, please.
01:39 10 A. Claude C. Lightfoot, Jr.
11 Q. And the government has previously provided you with an
12 application for compulsion to testify?
13 A. I'm here today under subpoena.
14 Q. Do you understand you have immunity?
01:39 15 A. I do.
16 Q. So that anything you say can't be used against you unless
17 there's a perjury or a false statement?
18 A. Yes.
19 Q. I think, generically, that's it.
01:39 20 A. That's right.
21 JUDGE BENAVIDES: Let me ask a procedural question.
22 He was here under subpoena but -- and you were ready to grant
23 immunity, but you didn't use him. Is it your position that
24 he -- while being called by another party, that immunity is
01:39 25 still extended?

01:40 1 MR. WOODS: That would be our position, your Honor.
2 I'm sure that he feels that he has immunity because we've
3 interviewed him at length with that understanding, that
4 immunity --
01:40 5 JUDGE BENAVIDES: With that. Okay. I understand.
6 MR. WOODS: -- is be provided to him.
7 JUDGE BENAVIDES: I understand.
8 MR. WOODS: And, so, he understands everything he has
9 given to us is under the immunity order. And we have no
01:40 10 objection to him testifying for the defense under that same
11 understanding.
12 JUDGE PORTEOUS: Is the Court satisfied that he has
13 immunity?
14 BY JUDGE PORTEOUS:
01:40 15 Q. Mr. Lightfoot, you were my attorney ultimately in this
16 bankruptcy proceeding. Is that correct?
17 A. I was.
18 Q. Initially we met -- I don't remember how many times, but we
19 met a couple of times before we even sat down to talk about,
01:40 20 anything, I mean, other than, "How is the bankruptcy? Where do
21 I stand, Claude," that kind of thing?
22 A. Well, we first started on a workout proposal --
23 Q. Right.
24 A. -- hoping to avoid bankruptcy.
01:40 25 Q. Now, that started sometimes in November/December of 2000 --

01:40 1 2000?
2 A. That sounds right.
3 Q. And the workout order was an effort for -- was -- why did
4 you do -- why did I ask you to do that?
01:41 5 A. Well, we wanted to avoid having to file bankruptcy. You
6 had some equity in your home. And my goal was to do an
7 analysis of what the creditors would have gotten from your
8 assets, which I did, the liquidation analysis. And I sent an
9 appraisal, that analysis, and a letter explaining everything to
01:41 10 the creditors.
11 Q. And when you did that, I asked you to exclude Regions?
12 A. That's true.
13 Q. Did you appreciate that as being an attempt at fraud for
14 Regions?
01:41 15 A. Well, the -- the creditors who got the workout were all
16 credit card creditors. Regions was a small, I believe, $5,000
17 personal loan at the local bank. And it was my understanding
18 you felt you could handle them on your own if only we could get
19 the bulk of the debt to go along with a workout.
01:41 20 JUDGE LAKE: Will you pull the microphone to you, sir?
21 JUDGE PORTEOUS: Yeah, pull --
22 THE WITNESS: I'm sorry.
23 JUDGE LAKE: Thank you.
24 BY JUDGE PORTEOUS:
01:42 25 Q. Now, in January of 2001, I signed a renewal on that Regions

01:42 1 Bank. You may not know that, but I signed a renewal.
2 A. No, I don't know that.
3 Q. Okay. Assuming I did that, at that point in time had we
4 had a definite understanding that I was filing bankruptcy come
01:42 5 March?
6 A. Not at that point.
7 Q. At that time we were still trying to work out?
8 A. That's --
9 Q. All right. Now, ultimately, it was filed with the name
01:42 10 Ortous?
11 A. Yes.
12 Q. Whose idea was that?
13 A. Mine. It was a stupid idea.
14 Q. Now, you gave it to me; and I signed it?
01:42 15 A. Yes.
16 Q. Now, granted that the document says I've read it and I
17 swear to it and everything. Was it done with any intent to
18 defraud?
19 A. The reason for my idea was to hope to save you
01:42 20 embarrassment in the newspaper. And I knew that we would
21 correct the name, address, et cetera prior to any notice going
22 out to creditors. And, in fact, that was done.
23 And, so, the -- of course, looking back, it's a
24 stupid idea; and I was wrong to do it. But the goal was to
01:43 25 prevent embarrassment, because at that time they were

01:43 1 publishing all the debtors in the newspaper. And, of course,
2 for most people, it's a very anonymous process; no one knows
3 who they were. And I was -- I was concerned about
4 embarrassment for you.
01:43 5 Q. All right. But I signed it nonetheless?
6 A. Yes.
7 Q. Did any creditor get that notice?
8 A. No notice was issued off of that petition. So, no.
9 Q. The only notice the creditors got were with the correct
01:43 10 names, accounts, and everything?
11 A. That's correct.
12 Q. It appears that I may have omitted a checking account with
13 some $600. Did you get the impression I was trying to do
14 anything in this bankruptcy?
01:43 15 A. Well, I -- you know, I collected the information from you
16 the same way that I did for all cases like that, that I do.
17 And I don't know what was omitted, but certainly all bank
18 accounts should have been listed.
19 Q. Right.
01:44 20 A. And I thought they had been.
21 Q. Okay. The -- ultimately there was a meeting of creditors?
22 A. Yes.
23 Q. And I appeared at that?
24 A. You did.
01:44 25 Q. Did any creditor appear?

01:44 1 A. No.
2 Q. And, in fact, creditors who were listed, not all of them
3 actually ultimately filed claims. Is that right?
4 A. That's true. I believe -- if I'm remembering right, it was
01:44 5 a pretty hefty percent. About 40 percent of the dollar amounts
6 did not file claims.
7 Q. And that's their choice?
8 A. It happens.
9 Q. All right. Ultimately, did I get to the percentage sooner
01:44 10 because there were less creditors?
11 A. When that happens in a pot plan, as we have in this
12 district, the -- the trustee will adjust the percentage of
13 those. We provided a certain percentage based on the scheduled
14 creditors.
01:45 15 When not all of those creditors filed claim, that
16 allowed the proposed funding of the plan to reach a higher
17 percentage for those who did file claims. And the trustee
18 adjusted the percentage, as I -- as I expected that he would.
19 Q. All right. I did get a tax return in that year. I
01:45 20 remember calling you, but you've indicated you don't remember
21 me talking to you.
22 A. About a tax return?
23 Q. Yeah.
24 A. I don't.
01:45 25 Q. But you have a standard procedure that you tell your

01:45 1 clients when they get them, isn't it?
2 A. Well, it has changed over the years. At that time --
3 Q. I'm talking at that time.
4 A. At that time, the trustee -- it was not included in the
01:45 5 confirmation order that the debtor turn over either tax returns
6 or tax refunds from year to year as the plan progresses. That
7 was not required at that time.
8 Sometimes the trustee would ask, depending on the
9 time of year, "Are you expecting a refund? Did you -- are you
01:46 10 holding a refund" and would ask that it be turned over. And
11 many times, however, though, the trustee wouldn't ask. And
12 like I say, there's a cycle to that; and that's the way it was
13 at that time.
14 Q. And -- and you don't know if he did or did not ask during
01:46 15 this proceeding?
16 A. I know that he never asked me did you turn over any tax
17 refund.
18 Q. And never asked about tax returns.
19 A. No.
01:46 20 CHIEF JUDGE JONES: Which trustee are you talking?
21 JUDGE PORTEOUS: Mr. Beaulieu, your Honor.
22 BY JUDGE PORTEOUS:
23 Q. Is that correct?
24 A. That's correct.
01:46 25 Q. Mr. Beaulieu ultimately, for a lack of a better

01:46 1 description, managed this bankruptcy, did he not? Is that not
2 where I sent checks and sent payments?
3 A. He was the trustee and the disbursing agent for the monies
4 under your plan.
01:46 5 Q. All right. And as far as you know, I was timely
6 throughout?
7 A. Right down the line until you finished.
8 Q. Now, post petition debts that are incurred, they're not
9 supposed to be incurred?
01:46 10 A. That's true.
11 Q. If they are incurred, what was the Eastern District's
12 methodology of dealing with that?
13 A. It hasn't changed. If it's a debt that is coming up that
14 the debtor knows that the debtor needs -- for example, to
01:47 15 refinance a car or something that was essential, a repair to
16 the house -- but it has to be incurred on credit, the normal
17 process in the Eastern District was that we would go -- we
18 would file a motion for authority to do that.
19 Q. And we did that, in fact, I believe in mine?
01:47 20 A. Well, the procedure was a little different because we had
21 Judge Greendyke; and they did things a little differently in
22 Houston.
23 So, the -- Mr. Beaulieu, the local Chapter 13
24 trustee -- I remember when I called, what I recall is that
01:47 25 your -- the car leases came up for replacement or renewal, and

01:47 1 it was a question of whether there would be the same or similar
2 payment. And I did call the trustee to ask what procedure, "Do
3 I file a motion?"
4 And he said no. He talked with Judge Greendyke's
01:48 5 normal trustee -- 13 trustee, I believe, and they had a less
6 formal method of doing it, where we would write and ask the
7 trustee for permission and the trustee would respond, which is
8 what we did.
9 Q. Okay. I'm talking about unsecured debts, if those are
01:48 10 incurred.
11 A. Well, generally, I mean, if one is incurred with Court
12 authority, then you're -- you get to --
13 Q. No. I'm saying --
14 A. -- modify your plan and put it in your plan.
01:48 15 Q. I'm saying without Court authority.
16 A. Without the Court authority, then the plan has not provided
17 for the debt; so, the debt can't be discharged, wasn't listed.
18 Q. And that has occurred, I'm sure, in your bankruptcy
19 practice?
01:48 20 A. It has occurred, and I've -- I've had clients come and tell
21 me that they did it. And I've said, "Well, you knew you
22 shouldn't have done it; and now we need to go to the Court and
23 ask for the Court to ratify it."
24 And sometimes the Court has said, "This is a --
01:48 25 not a significant enough reason to incur the debt, and we're

01:48 1 not going to let you put it in the plan"; and other times it
2 was in the nature of an emergency room bill, an involuntary
3 debt, and they would allow it.
4 Q. Has any debtor, as far as you know, been held in contempt
01:49 5 with that?
6 A. Never heard of that.
7 Q. Has any debtor been referred for criminal prosecution, as
8 far as you know?
9 A. I've not heard of that.
01:49 10 Q. That's in the Eastern District?
11 A. That's the only place I'm regularly practicing.
12 Q. Did this -- wasn't there some period of time that elapsed
13 from the end of my bankruptcy until it was -- ultimately the
14 order of discharge was signed?
01:49 15 A. There was. I remember you called me a couple of times to
16 ask when would the discharge come out.
17 Q. Do you have any idea why that might have occurred?
18 A. It -- I know that it was delayed, and I suspected it was
19 probably due to the Houston Court/New Orleans administration
01:49 20 delays. That's all I know about.
21 Q. Were you aware that the FBI may have had contact with
22 Mr. Beaulieu before the discharge?
23 A. No.
24 Q. Okay.
01:50 25 JUDGE PORTEOUS: I don't have any further questions.

01:50 1 CHIEF JUDGE JONES: All right, sir.
2 JUDGE PORTEOUS: This is your original, I believe, is
3 it not?
4 MR. WOODS: Thanks, Judge.
08:55 5 **CROSS-EXAMINATION**
6 BY MR. WOODS:
7 Q. Mr. Lightfoot, you've testified in front of the grand jury
8 three times. Is that correct?
9 A. Yes, sir.
01:50 10 Q. The first two times you refused to answer a number of
11 questions, on attorney-client privilege?
12 A. Yes, sir.
13 Q. And eventually a court order was issued on a crime fraud
14 exception and you were compelled to testify under immunity
01:50 15 order and by the order of the judge, saying that there -- that
16 the attorney-client privilege cannot be invoked because of
17 certain testimony?
18 A. That's as -- I understand it to be that way.
19 Q. And you told the judge that you started working on this
01:50 20 case in November or December. Didn't you submit an affidavit
21 to the trustee to justify your expenses that you started in
22 June of 2000?
23 A. That could be. I mean, I'm trying to remember back. It's
24 going back a number of years; but I know that, for several
01:51 25 months, I worked on the workout --

01:51 1 Q. Yes.
2 A. -- to avoid the bankruptcy.
3 Q. And December was basically the final plea on the workout,
4 right?
01:51 5 A. That could be. I -- you know, I --
6 Q. Did you review your file before today?
7 A. Yes, I did. I did. And I just -- I hadn't -- hadn't
8 really focused as much on the workout period before the filing
9 is what you --
01:51 10 Q. Do you recall saying that two of the creditors' attorneys
11 were the ones that were holding it up and, after they refused
12 to go along, that you then understood you had to file
13 bankruptcy?
14 A. That's correct.
01:51 15 Q. And that was after you sent the letters in December. They
16 shortly, then, refused to go along in January or so?
17 A. And I had been sending multiple letters over the months,
18 as --
19 Q. Right.
01:52 20 A. -- you say.
21 Q. Since June, right?
22 A. As you say. And, then, finally I got a couple of lawyers
23 on two of the accounts, local lawyers; and I thought finally
24 maybe somebody will read my package that I prepared, this
01:52 25 analysis; and I did get them to read it.

01:52 1 Their clients had not advised them they had even
2 received it. And they did go to their clients and talk about
3 it, and at least one called me back and said that they --
4 Q. Do you recall that --
01:52 5 A. -- at least one called me back to advise that the client
6 would not authorize settlement.
7 Q. Do you recall that being in January?
8 A. That sounds about right, within the time frame.
9 Q. And you also recall telling us that you always thought that
01:52 10 Regions Bank was an installment loan?
11 A. That's true.
12 Q. Did you have a copy of that in your file?
13 A. Didn't -- I may have had an invoice, but I don't -- I
14 didn't have a copy of the note or -- I just thought it was an
01:52 15 installment, a monthly payment that --
16 Q. When we went over the file with you about a month ago,
17 wasn't there a copy of the Regions Bank loan in your file?
18 A. There was something from Regions in -- in the file.
19 Q. Yeah.
01:53 20 A. And if it indicated that it wasn't an installment loan,
21 then I just missed that.
22 Q. You just missed it, as you've told us?
23 A. Yes.
24 Q. Okay.
01:53 25 All right. You've told the Committee that you

01:53 1 felt the judge was trying to pay off the Regions Bank loan so
2 that it would not be listed in the list of creditors. Is that
3 your testimony?
4 A. No, that's not true. At the time of the workout, he felt
01:53 5 that he would rather me not send the workout proposal to
6 Regions because if we had enough of the credit card creditors
7 that would go along with the workout proposal that he would be
8 able to handle Regions on his own and he had an acquaintance
9 there that he would prefer to pay that loan. And I thought it
01:54 10 was a small installment loan. And at that point, that -- that
11 was the reason for not mailing to Regions.
12 As I remember, when we filed the bankruptcy,
13 Regions was listed because they were --
14 Q. Right.
01:54 15 A. -- a loan.
16 Q. Right. And, then, at that time, you knew it was a $5,000
17 loan?
18 A. Correct.
19 Q. And were you aware or did you subsequently become aware
01:54 20 that Judge Porteous was paying off casinos several thousand
21 dollars and also a Fleet Credit Card for 1,088 right before the
22 bankruptcy?
23 A. I've heard mention of that from meeting with -- with the
24 Government and with you, but I did not know that.
01:54 25 Q. Okay. Were you aware that that money could have been

01:54 1 applied to Regions Bank as opposed to making preferred payments
2 to casinos to keep that credit going and preferred payment to
3 Fleet Credit Card to keep that credit going?
4 A. Well, sure. The money could have been used other ways. I
01:55 5 didn't -- I'm not aware of any other payments like that.
6 Q. Were you ever advised by the judge that he had made a
7 payment to Fleet Credit Card right before the bankruptcy filing
8 March 28?
9 A. No.
01:55 10 Q. Were you ever advised by the judge that he had made
11 payments on casino debt?
12 A. No. In fact, I was never aware of any casino debt.
13 Q. In fact, doesn't it call on -- the petitions and the
14 schedules that you give the judge to fill out, doesn't it call
01:55 15 for one of the blanks to list all losses for the prior year,
16 including gambling losses?
17 A. That's true.
18 Q. And did the judge put zero there?
19 A. Yes.
01:55 20 Q. Did you question him about that?
21 A. I had no idea of any gambling.
22 Q. Now, you mention, in his questions concerning the tax
23 refund, the fact that the trustee has to ask for it. Isn't it
24 true that on the schedules of the bankruptcy, there are two
01:56 25 places where you're to check that you expect a tax refund?

01:56 1 A. That's true. It's an asset. If you have a liquidated
2 refund owing to you at the time you file, it should be listed.
3 Q. And if the person checks "no," there's no reason why the
4 trustee would then ask about a tax refund. Is that correct?
01:56 5 A. Oh, no. There's a good reason why the trustee would ask,
6 because the trustee knows there's a cycle; and at certain times
7 of the year, regardless of what the schedules say, the trustee
8 would ask about tax refunds.
9 Q. And if he's assured at March 28th -- or April 9th, rather,
01:56 10 when the petition was filed with your amended petition listing
11 the true name, on April the 9th when the schedule is checked
12 "no," "Do you expect a tax refund," would that sometimes
13 nullify or satisfy a trustee that he didn't need to inquire
14 into that? Or are you saying that, "Oh, no, that's okay to
01:57 15 just check 'no'"?
16 A. No, I don't -- I don't think it's okay to check "no" if
17 indeed you should list a liquidated refund that's owing to you.
18 And if you had, it certainly would flag it for the trustee.
19 Q. A true answer would flag it to the trustee?
01:57 20 A. That's true.
21 Q. Now, on your schedules that you provided to the judge to
22 fill out, did he list the true balance in his bank account when
23 he stated $100 in Bank One?
24 A. I don't know if it was true or not. I asked him how much
01:57 25 money did he have, and he told me that was the approximate --

01:57 1 Q. You didn't make any inquiry or ask for the most recent
2 statement?
3 A. No, I didn't.
4 Q. In fact, this is -- on April 9th, '01, when you're filing
01:57 5 the petition with the schedules, you're using a May, 2000, pay
6 stub as his income. Is that correct?
7 A. Yes. That was -- that was the check stub that I had.
8 Q. Okay. And Judge Porteous just mentioned that he omitted
9 one of his bank accounts for $600. Had he told you about that
01:58 10 bank account?
11 A. No.
12 Q. You asked -- you answered questions concerning the post
13 petition debts, not supposed to but it's often done and that
14 you go to the trustee or bankruptcy court and get them ratified
01:58 15 after it's done. Is that your testimony to the judge?
16 A. Well, when I have a -- when I've had a client who came in
17 and said, "I've done this" -- and usually the -- how it comes
18 up is some problem has arisen with the debt, there's someone
19 trying to collect a debt.
01:58 20 And the first thing we -- when a client will come
21 in with that, I'll say, "Well, is this a debt that was listed
22 in your schedules?" And we go and look. And if it is not a
23 debt that was listed in the schedules, the first thing I want
24 to know, "Well, was it a pre-bankruptcy debt or is it a post
01:59 25 petition debt?"

01:59 1 And if it's a post petition debt and they've done
2 what they know not to do -- because I tell them. I give them
3 an explanation about Chapter 13 that tells them, generally the
4 trustee at the meeting of creditors tells them. So, it's
01:59 5 something that the debtors know not to do.
6 But when a debtor has done it, I have to -- I
7 have to try to repair that and bring it to the Court's
8 attention the best way that I can.
9 Q. Did Judge Porteous advise you that after filing the amended
01:59 10 petition on April 9th, '01, that he incurred thousands of
11 dollars of debt at casinos?
12 A. No.
13 Q. Would a Court ratify that?
14 A. No.
02:00 15 Q. Do you recall testifying in front of the grand jury that
16 you were never told of other bank accounts, other than the one
17 by Judge -- the Bank One account by Judge Porteous?
18 A. That's correct.
19 Q. Do you recall telling him -- or excuse me -- telling the
02:00 20 grand jury that Judge Porteous made no mention of paying off
21 credit cards before filing bankruptcy?
22 A. That's correct.
23 Q. And do you recall telling the grand jury that you never,
24 never heard any mention of paying off casinos prior to the
02:00 25 bankruptcy?

02:00 1 A. That's correct.
2 Q. And do you recall telling the grand jury, on Page 77, that
3 you were not told about any losses, nothing about gambling
4 casinos?
02:00 5 A. That's correct.
6 MR. WOODS: Thank you.
7 Pass the witness.
8 JUDGE BENAVIDES: I have -- I have a question.
9 I just want to get clear what was your
02:00 10 understanding of why the box for "no" on refunds was checked,
11 that there was going to be no refunds of tax.
12 THE WITNESS: Well, we had been working on getting
13 this ready for some time; and I wasn't aware that he was
14 getting a refund. He didn't check --
02:01 15 JUDGE BENAVIDES: So, he didn't tell you that?
16 THE WITNESS: I didn't -- no, I was not aware of that.
17 JUDGE BENAVIDES: But nonetheless, whether you
18 inquired or not, the "no" box was checked?
19 THE WITNESS: Correct.
02:01 20 JUDGE BENAVIDES: All right. Would you have checked
21 the "no" box for him if he -- if he hadn't told you that there
22 was a -- that no refund was expected?
23 THE WITNESS: I would check that box if the debtor
24 tells me, "I'm entitled to a refund right now. I filed my
02:01 25 return, and I'm waiting on my refund."

02:01 1 JUDGE BENAVIDES: And so -- and if they didn't tell
2 you that, you would always put "no"?
3 THE WITNESS: Correct.
4 JUDGE BENAVIDES: So, if you didn't discuss it, you
02:01 5 would make that declaration for them?
6 THE WITNESS: I don't remember discussing, other than
7 in general my advice to him about what the trustee's procedure
8 was with the refunds at that time.
9 JUDGE BENAVIDES: Well, what I'm saying is, you
02:02 10 have -- you prepared that application, and that application
11 checked "no." Was it your decision to check "no"?
12 THE WITNESS: Oh, no, not my decision at all.
13 JUDGE BENAVIDES: All right.
14 THE WITNESS: He didn't --
02:02 15 JUDGE BENAVIDES: So, whether you asked or not, the
16 decision to check "no" was Judge Porteous'?
17 THE WITNESS: That's true.
18 JUDGE BENAVIDES: All right. Irrespective of whether
19 other trustees asked about it or not or irrespective of whether
02:02 20 they thought it was important or not, you knew, as a practicing
21 bankruptcy attorney, that if one was expected, you should say
22 "yes"?
23 THE WITNESS: That's true.
24 JUDGE BENAVIDES: That's all I have.
02:02 25 CHIEF JUDGE JONES: Well, I'd like to follow up on

02:02 1 that a little bit because you said it would depend on the time
2 of year; and your filing -- this petition was filed within two
3 weeks of April 15th, was it not?
4 THE WITNESS: It was.
02:02 5 CHIEF JUDGE JONES: Why didn't you ask him about a tax
6 refund?
7 THE WITNESS: I guess I didn't think of it because I'd
8 been working on it since January, or even before.
9 CHIEF JUDGE JONES: It wasn't filed at the last
02:03 10 minute, in a rush, was it? There's no fear of foreclosure?
11 THE WITNESS: No, ma'am. I'll answer you this way,
12 that the Chapter 13's are different in that regard than the 7's
13 because the 7 trustee is always going to ask about and expect
14 to know about a refund and the Chapter 13, since the debtors
02:03 15 are paying over a three to five year period, paying --
16 CHIEF JUDGE JONES: Well, all I can say about that,
17 sir, is Mr. Heitkamp was testifying just the opposite about the
18 practice in Texas; and I have some experience in bankruptcy.
19 And disposable income is disposable income, is it not, sir?
02:03 20 THE WITNESS: That's true, yes, ma'am.
21 CHIEF JUDGE JONES: All right. Did -- but you said
22 you didn't know anything about gambling. Didn't -- didn't you
23 and Judge Porteous ever discuss how he had come to have
24 $180,000 in credit card debt?
02:03 25 THE WITNESS: We had a general discussion about it,

02:03 1 and my impression was that it had built up from him trying to
2 educate his kids and charges made by his wife. And I -- there
3 was no discussion of -- no mention of gambling at all.
4 CHIEF JUDGE JONES: I mean, even -- even in 2000, it
02:04 5 wasn't usual for a debtor to come in with 13 credit cards, was
6 it?
7 THE WITNESS: In my practice, that's not unusual,
8 Judge.
9 CHIEF JUDGE JONES: Well, now, it's not that common
02:04 10 either, though.
11 THE WITNESS: Well, back then it was less common than
12 now.
13 CHIEF JUDGE JONES: Yes. And my other point I would
14 say is that, you know, my -- about the time that -- you can't
02:04 15 keep a thing like this secret. And water-cooler word in the
16 judiciary within a week or so after Judge Porteous filed was
17 that he had run up credit card debts gambling.
18 And you're telling us, as his counsel, in whom he
19 had confided for months and months before the time that he
02:04 20 was -- that he filed this petition, when he continued to gamble
21 almost every week before and after he filed bankruptcy, that
22 you had no earthly idea that this was because of gambling?
23 THE WITNESS: I didn't. I never knew him before, and
24 I -- I really didn't know that gambling was an issue with the
02:05 25 judge.

02:05 1 JUDGE BENAVIDES: And to follow that up, so -- so that
2 if judge -- you inquired about his debts?
3 THE WITNESS: Yes, sir.
4 JUDGE BENAVIDES: And so -- and you were there and the
02:05 5 trustee advised him about incurring debt and you -- I think you
6 indicated that you also advised him about not incurring debt
7 without permission.
8 THE WITNESS: Yes, sir.
9 JUDGE BENAVIDES: All right. And, so, he never told
02:05 10 you about taking markers out at casinos, incurring debt?
11 THE WITNESS: When I asked for all of the --
12 JUDGE BENAVIDES: And, so, therefore, you never made a
13 request for after-the-fact permission, because he was hiding
14 that from you?
02:05 15 THE WITNESS: I never knew about it, exactly.
16 Now, I will tell you, Judge, that, with both
17 Judge Porteous and his wife, the -- the -- I mean, I was very
18 careful to counsel them about how to fill out my worksheets,
19 like I would anyone else, about the critical need to list all
02:06 20 debts. So, there -- there was a discussion about that. And
21 when I got all the debts, I thought, "This is all the debts."
22 JUDGE BENAVIDES: And there was a discussion also --
23 would there have been discussion about his activity post filing
24 with respect to his -- his payments pre-filing; that is, with
02:06 25 specific regard to a payment of creditors within the time

02:06 1 frame -- specified time frame before filing?
2 THE WITNESS: Yes, sir.
3 JUDGE BENAVIDES: And that was made abundantly clear,
4 also?
02:06 5 THE WITNESS: That was. But I didn't anticipate and
6 didn't expect to have a "yes" answer to that, because we
7 reached a point when we were proposing the workout to the
8 creditors that he -- it was obvious that either they went for
9 the proposal that I had made or some variation of it or there
02:06 10 would be a bankruptcy --
11 JUDGE BENAVIDES: Yeah, but that --
12 THE WITNESS: -- and, so, I told them to stop paying
13 them.
14 JUDGE BENAVIDES: -- that was -- that was your
02:07 15 expectations of whether you would get a "yes" answer.
16 Irrespective of whatever your anticipation would
17 be, you asked the question, you went through it, and you were
18 not told.
19 THE WITNESS: That's true.
02:07 20 JUDGE BENAVIDES: If, in fact, a debt that was
21 incurred prior to that time was paid off in a preferential way,
22 you asked about it and if -- and, since you did not set it
23 forth in the application, you were not told about it?
24 THE WITNESS: That's true.
02:07 25 CHIEF JUDGE JONES: I just want to -- a couple of

02:07 1 questions about Regions Bank. You said you had not seen a --
2 the renewal of the loan by Regions Bank. Is that right?
3 THE WITNESS: I didn't -- I didn't remember it, but
4 something was pointed out to me that was in the file.
02:07 5 CHIEF JUDGE JONES: The January renewal?
6 THE WITNESS: Something Mr. Woods showed me.
7 CHIEF JUDGE JONES: All right, sir. And in that, it
8 says that the debtor -- the borrower represents that there has
9 been no material adverse change in his financial condition.
02:08 10 I suppose that that -- put yourself in the shoes
11 of the banker. If you had known that your -- that your
12 borrower had been negotiating workouts for six to eight months
13 at that time, offering a 20 percent payout on debt, and that
14 two -- at least two lawyers for -- for creditors had said they
02:08 15 weren't willing to work, wouldn't you, as the lender, the bank
16 in that case, regard that as a material change?
17 THE WITNESS: I think I would.
18 CHIEF JUDGE JONES: All right, sir. Thank you.
19 JUDGE BENAVIDES: How long after the decision was made
02:08 20 to file bankruptcy did it take to prepare the papers and
21 actually file the bankruptcy?
22 THE WITNESS: Probably not long because I had been
23 working with it for some months and so it wasn't a matter of
24 now I'm starting the bankruptcy when I had done nothing. So,
02:08 25 I'm sure that it was -- it was a matter of reaching the point

02:09 1 where we could say that there was no hope of avoiding it.
2 JUDGE BENAVIDES: Would that have been when the
3 creditors -- you say that one of those creditors called you up
4 and said that there's no deal?
02:09 5 THE WITNESS: One of the lawyers I sent the package to
6 which I had sent out to all of the creditors with the exception
7 of Regions and -- they reviewed it, went to the client. The
8 client said no, and that was it.
9 JUDGE BENAVIDES: And at that point were you
02:09 10 authorized to make that decision yourself or did you have to
11 communicate and talk to Judge Porteous about it?
12 THE WITNESS: Oh, no. We talked. And, you know --
13 JUDGE BENAVIDES: How long -- do you recall how long
14 it took to make a decision with reference to that?
02:09 15 THE WITNESS: I think we were sort of waiting for the
16 shoe to drop in that respect. Either they were going to go for
17 the program -- which no one was responding. I couldn't get a
18 callback. I would spend every other week calling, calling,
19 calling. I couldn't get anybody willing to talk to me out of
02:09 20 those credit card --
21 JUDGE BENAVIDES: Do you have -- this was a phone call
22 that you received from the -- from the lawyer?
23 THE WITNESS: Yes, sir.
24 JUDGE BENAVIDES: Do you have any record or any memory
02:10 25 of when that phone call was?

02:10 1 THE WITNESS: It had to have been within probably a
2 couple of months at most from -- prior to the bankruptcy
3 filing, I would think.
4 JUDGE BENAVIDES: All right. So, it took
02:10 5 approximately two months from the last filing -- last shoe
6 falling to actually file the petition?
7 THE WITNESS: That sounds about right.
8 JUDGE BENAVIDES: All right. Thank you.
9 MR. WOODS: Just a couple of questions to follow up.
10 BY MR. WOODS:
11 Q. Mr. Lightfoot, just a couple of questions. In reviewing
12 Exhibit 1, which is the certified copy of the bankruptcy file,
13 there is a bill for services in there. You had to certify to
14 the trustee about the amount of time you spent on the case. Is
02:11 15 that correct?
16 A. Yes, sir.
17 Q. Does that reflect that you started on the case July
18 the 20th?
19 A. It does.
02:11 20 Q. Okay. Were you aware that Judge Porteous got his first
21 extension on the Regions Bank loan on July the 24th of 2000?
22 A. No, I didn't know that.
23 Q. Okay. In fact, you always thought that was an installment
24 loan?
02:11 25 A. Yes, sir.

02:11 1 Q. Are you aware that, then, on January the 17th of 2001, he
2 got a second extension on the Regions Bank loan?
3 A. No, I didn't know that.
4 Q. And, then, your counsel asked me to clarify something; and
02:11 5 he's correct. You -- when you appeared at grand jury, you
6 wanted to testify but Judge Porteous' counsel was instructing
7 you to come out and check with him as to attorney-client
8 communications and he would instruct you on behalf of
9 Judge Porteous not to answer because that's attorney-client
02:12 10 privilege. Is that correct?
11 A. That's how it went.
12 Q. That wasn't your option of refusing to testify; that was
13 instructions from Judge Porteous' counsel?
14 A. Yes, sir.
02:12 15 Q. Okay. And, then, eventually the Department of Justice
16 obtained the order ordering you to testify?
17 A. That's right.
18 Q. Okay.
19 MR. WOODS: I think that clarifies it.
02:12 20 CHIEF JUDGE JONES: All right.
21 JUDGE LAKE: Thank you. You're excused.
22 You may call your next witness.
23 THE WITNESS: Thank you, your Honor.
24 JUDGE LAKE: Please come forward, sir, and be sworn.
02:13 25 Please raise your right hand.

(Official Form 1) (9/97)

FORM B1

United States Bankruptcy Court
Eastern District of Louisiana

FILED

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Ortous, G. T.	Name of Joint Debtor (Spouse)(Last, First, Middle): Ortous, C. A.
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):
Soc. Sec./Tax I.D. No. (if more than one, state all):	Soc. Sec./Tax I.D. No. (if more than one, state all):
Street Address of Debtor (No. & Street, City, State & Zip Code): P.O. Box 1723 Harvey, LA 70059-1723	Street Address of Joint Debtor (No. & Street, City, State & Zip Code): P.O. Box 1723 Harvey, LA 70059-1723
County of Residence or of the Principal Place of Business: Jefferson Parish	County of Residence or of the Principal Place of Business: Jefferson Parish
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
Location of Principal Assets of Business Debtor (if different from street address above):	

2001 MAR 28 P 2:46

CLERK

01-12363

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- ☑ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

- ☑ Individual(s)
- ☐ Corporation
- ☐ Partnership
- ☐ Other _____
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker

Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- ☐ Chapter 7
- ☐ Chapter 9
- ☐ Sec. 304 - Case ancillary to foreign proceeding
- ☐ Chapter 11
- ☐ Chapter 12
- ☑ Chapter 13

Nature of Debts (Check one box)

- ☑ Consumer/Non-Business
- ☐ Business

Filing Fee (Check one box)

- ☑ Full Filing Fee Attached
- ☐ Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.

Chapter 11 Small Business (Check all boxes that apply)

- ☐ Debtor is a small business as defined in 11 U.S.C. § 101
- ☐ Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)

Statistical/Administrative Information (Estimates only)

- ☑ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

THIS SPACE IS FOR COURT USE ONLY

Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over
	☐	☐	☐	☐	☐	☐

Estimated Assets	$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	More than $100 million
	☐	☐	☐	☐	☐	☐	☐	☐

Estimated Debts	$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	More than $100 million
	☐	☐	☐	☐	☐	☐	☐	☐

SC00122

HP Exhibit 125

(Official Form 1) (9/97)

Voluntary Petition *(This page must be completed and filed in every case)*	Name of Debtor(s): G. T. Ortous C. A. Ortous	FORM B1, Page 2

Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)

Location Where Filed: NONE	Case Number:	Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor: NONE	Case Number:	Date Filed:
District:	Relationship:	Judge:

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

3-28-01
Date

Signature of Attorney

X _____
Signature of Attorney for Debtor(s)

Claude C. Lightfoot, Jr., LA #7989
Printed Name of Attorney for Debtor(s) / Bar No.

Claude C. Lightfoot, Jr. P.C.
Firm Name

3500 N. Causeway Blvd. Suite 450
Address

Metairie, LA 70002

(504) 838-8571 (fax) (504) 838-857
Telephone Number

3-28-01
Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X Not Applicable
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Not Applicable
Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X Not Applicable
Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X _____ 3-28-01
Signature of Attorney for Debtor(s) Date

SC00123

United States Bankruptcy Court
Eastern District of Louisiana
NOTICE TO INDIVIDUAL CONSUMER DEBTOR

The purpose of this notice is to acquaint you with the four chapters of the Federal Bankruptcy Code under which you may file a bankruptcy petition. The bankruptcy law is complicated and not easily described. Therefore, you should seek the advice of an attorney to learn of your rights and responsibilities under the law should you decide to file a petition with the court. Court employees are prohibited from giving you legal advice.

Chapter 7: Liquidation ($155.00 filing fee plus $30.00 administrative fee plus $15.00 trustee surcharge)

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts.
2. Under chapter 7 a trustee takes possession of all your property. You may claim certain of your property as exempt under governing law. The trustee then liquidates the property and uses the proceeds to pay your creditors according to priorities of the Bankruptcy Code.
3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed the certain kinds of improper conduct described in the Bankruptcy Code, your discharge may be denied by the court, and the purpose for which you filed bankruptcy petition will be defeated.
4. Even if you receive a discharge, there are some debts that are not discharged under the law. Therefore, you may still be responsible for such debts as certain taxes and student loans, alimony and support payments, criminal restitution, and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs.
5. Under certain circumstances you may keep property that you have purchased subject to a valid security interest. Your attorney can explain the options that are available to you.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income ($155.00 filing fee plus $30.00 administrative fee)

1. Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts but would like to pay them in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
2. Under chapter 13 you must file a plan with the court to repay your creditors all or part of the money that you owe them, using your future earnings. Usually, the period allowed by the court to repay your debts is three years, but no more than five years. Your plan must be approved by the court before it can take effect.
3. Under chapter 13, unlike chapter 7, you may keep all your property, both exempt and non-exempt, as long as you continue to make payments under the plan.
4. After completion of payments under your plan, your debts are discharged except alimony and support payments, student loans, certain debts including criminal fines and restitution and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs, and long term secured obligations.

Chapter 11: Reorganization ($800.00 filing fee)

Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer ($200.00 filing fee)

Chapter 12 is designed to permit family farmers to repay their debts over a period of time from future earnings and is in many ways similar to a chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family owned farm.

I, the debtor, affirm that I have read this notice.

3-28-01 — G. T. Ortous, Debtor — Case Number

3-28-01 — C. A. Ortous, Joint Debtor

Date — Date

American Express Centurion Bank
Suite 0002
Chicago, IL 60679-0002

Bank of Louisiana Mastercard
P.O. Box 6972
Metairie, LA 70009-6972

Bank One
P.O. Box 32490
Louisville, KY 40232

First USA Bank, N.A.
First USA Bank, N.A.
P.O. Box 8864
Wilmington, DE 19899-8864

Chase Platinum Mastercard
P.O. Box 52050
Phoenix, AZ 85072-2050

Citibank Advantage
P.O. Box 6408
The Lakes, NV 88901-6408

Citibank Advantage
P.O. Box 6000
The Lakes, NV 89163-6000

Citibank USA
P.O. Box 15109
Wilmington, DE 19850-5109

Citifinancial
P.O. Box 17127
Baltimore, MD 21297

Dillards
P.O. Box 52079
Phoenix, AZ 85072-2079

Dillard's
P. O. Box 52067
Phoenix, AZ 85072

Discover Platinum
P.O. Box 6011
Dover, DE 19903-6011

Edward F. Bukaty, III
One Galleria Blvd.
Suite 1810
Metairie, LA 70001-2082

Fidelity Homestead Association
222 Baronne Street
New Orleans, LA 70112

First USA Bank
P.O. Box 94014
Palatine, IL 60094-4014

J.C. Pennny
P.O. Box 27570
Albuquerque, NM 87125

Jules A. Fontana, III
Fontana & Fontana, L.L.C.
1022 Loyola Avenue
New Orleans, LA 70113

MBNA America
P.O. Box 15137
Wilmington, DE 19886-5137

MBNA America
P.O. Box 15019
Wilmington, DE 19886-5019

MBNA America
P.O. Box 15137
Wilmington, DE 19886-5137

Regions Bank
301 St. Charles Avenue
New Orleans, LA 70130

Chrysler Credit Corporaiton.
P. O. Box 7000
Covington, LA 70434

2

(Official Form 1) (9/97)

01-12363 Section "A"

FORM B1

United States Bankruptcy Court
Eastern District of Louisiana

Voluntary Petition
Amended

Name of Debtor (if individual, enter Last, First, Middle): Porteous, Jr., Gabriel T.	Name of Joint Debtor (Spouse)(Last, First, Middle): Porteous, Carmella A.
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):
Soc. Sec./Tax I.D. No. (if more than one, state all): [redacted]	Soc. Sec./Tax I.D. No. (if more than one, state all): [redacted]
Street Address of Debtor (No. & Street, City, State & Zip Code): 4801 Neyrey Drive Metairie, LA 70002	Street Address of Joint Debtor (No. & Street, City, State & Zip Code): 4801 Neyrey Drive Metairie, LA 70002
County of Residence or of the Principal Place of Business: Jefferson Parish	County of Residence or of the Principal Place of Business: Jefferson Parish
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
Location of Principal Assets of Business Debtor (if different from street address above):	

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

☑ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.

☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

☑ Individual(s) ☐ Railroad
☐ Corporation ☐ Stockbroker
☐ Partnership ☐ Commodity Broker
☐ Other _____

Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)

☐ Chapter 7 ☐ Chapter 11 ☑ Chapter 13
☐ Chapter 9 ☐ Chapter 12
☐ Sec. 304 - Case ancillary to foreign proceeding

Nature of Debts (Check one box)

☑ Consumer/Non-Business ☐ Business

Chapter 11 Small Business (Check all boxes that apply)

☐ Debtor is a small business as defined in 11 U.S.C. § 101
☐ Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)

Filing Fee (Check one box)

☑ Full Filing Fee Attached
☐ Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.

Statistical/Administrative Information (Estimates only)

☑ Debtor estimates that funds will be available for distribution to unsecured creditors.
☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

THIS SPACE IS FOR COURT USE ONLY

Estimated Number of Creditors

1-15	16-49	50-99	100-199	200-999	1000-over
☐	☑	☐	☐	☐	☐

Estimated Assets

$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	More than $100 million
☐	☐	☑	☐	☐	☐	☐	☐

Estimated Debts

$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	More than $100 million
☐	☐	☑	☐	☐	☐	☐	☐

P2

SC00120

HP Exhibit 126

(Official Form 1) (9/97)

Voluntary Petition *(This page must be completed and filed in every case)*	Name of Debtor(s): Gabriel T. Porteous, Jr. Carmella A. Porteous	FORM B1, Page 2

Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)

Location Where Filed: NONE	Case Number:	Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor: NONE	Case Number:	Date Filed:
District:	Relationship:	Judge:

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

4-9-01
Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X Not Applicable
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of Attorney

X _____
Signature of Attorney for Debtor(s)

Claude C. Lightfoot, Jr., LA 17989
Printed Name of Attorney for Debtor(s) / Bar No.

Claude C. Lightfoot, Jr. P.C.
Firm Name

3500 N. Causeway Blvd. Suite 450
Address

Metairie, LA 70002

(504) 838-8571 (fax) (504) 838-8572
Telephone Number

4-9-01
Date

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Not Applicable
Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X Not Applicable
Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X _____ 4-9-01
Signature of Attorney for Debtor(s) Date

3

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

IN THE MATTER OF	CASE NUMBER
Gabriel T. Porteous, Jr. **Carmella A. Porteous**	**01-12363** **Section "A"**
DEBTORS	CHAPTER 13

CHAPTER 13 SCHEDULES AND PLAN

Respectfully submitted,

CLAUDE C. LIGHTFOOT, JR., P.C.

Claude C. Lightfoot, Jr. (17989)
3500 N. Causeway Blvd.
Suite 450
Metairie, LA 70002
PH: (504) 838-8571
Attorney for Debtors

Form B6
(6/90)

United States Bankruptcy Court
Eastern District of Louisiana

In re Gabriel T. Porteous, Jr. Carmella A. Porteous

Case No. 01-12363 Section "A"
Chapter 13

SUMMARY OF SCHEDULES

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	AMOUNTS SCHEDULED ASSETS	LIABILITIES	OTHER
A - Real Property	YES	1	$ 235,110.00		
B - Personal Property	YES	3	$ 28,050.27		
C - Property Claimed as Exempt	YES	1			
D - Creditors Holding Secured Claims	YES	1		$ 158,278.13	
E - Creditors Holding Unsecured Priority Claims	YES	2		$ 0.00	
F - Creditors Holding Unsecured Nonpriority Claims	YES	4		$ 196,246.73	
G - Executory Contracts and Unexpired Leases	YES	1			
H - Codebtors	YES	1			
I - Current Income of Individual Debtor(s)	YES	1			$ 7,531.52
J - Current Expenditures of Individual Debtor(s)	YES	1			$ 6,869.00
Total Number of sheets in ALL Schedules >		16			
Total Assets >			$ 263,160.27		
Total Liabilities >				$ 354,524.86	

FORM B6A
(6/90)

In re: Gabriel T. Porteous, Jr. Carmelia A. Porteous, Debtor

Case No. 01-12363 Section "A" (If known)

SCHEDULE A - REAL PROPERTY

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
Family Home 4801 Neyrey Drive Metairie, LA 70002	Community Property	C	$ 235,110.00	$ 158,278.13
	Total ➤		$ 235,110.00	

(Report also on Summary of Schedules)

PROPERTY VALUATION ANALYSIS

Value of Property	$ 266,000.00
1st Mortgage Balance	113,279.54
2nd Mortgage Balance	44,998.59
Homestead Exemption	25,000.00
Real Estate Commission (6% on 1st 100k, 4% on bal.):	- 12,640.00

Sales Price:	$ 266,000.00
Less Real Estate Commission:	- 12,640.00
Less Closing Costs:	- 1,000.00
Less 1st Mortgage	- 113,279.54
Less 2nd Mortgage	- 44,998.59
Homestead Exemption	- 25,000.00
Trustee's Commission (25% on 1st $5k; 10% on bal. Up to $50K, 5% on bal. Up to $1M; 3 % over $1M)	- 16,250.00
Total Equity for Estate	**$ 51,831.87**

FORM B6B
(10/89)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. 01-12383 Section "A"
Debtor (If known)

SCHEDULE B - PERSONAL PROPERTY

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITH-OUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Bank One Checking Account No. [redacted]	C	100.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		Household Goods and Furnishings	C	15,000.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		Family Photos, Prints, etc.	C	250.00
6. Wearing apparel.		Wearing Apparel	C	3,000.00
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.		One Rifle	H	200.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.		Federal Judicial Pension (unvested)	H	NO CASH VALUE
		Fidelity Investments IRA	C	9,500.27
12. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
13. Interests in partnerships or joint ventures. Itemize.	X			

FORM B6B
(10/89)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor Case No. 01-12353 Section "A" (If known)

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
14. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
15. Accounts receivable.	X			
16. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
17. Other liquidated debts owing debtor including tax refunds. Give particulars.	X			
18. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X			
19. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
21. Patents, copyrights, and other intellectual property. Give particulars.	X			
22. Licenses, franchises, and other general intangibles. Give particulars.	X			
23. Automobiles, trucks, trailers, and other vehicles and accessories.		2000 Jeep Cherokee (Lease)	C	NO CASH VALUE
		2000 Jeep Cherokee (Lease)	C	NO CASH VALUE
24. Boats, motors, and accessories.	X			
25. Aircraft and accessories.	X			
26. Office equipment, furnishings, and supplies.	X			
27. Machinery, fixtures, equipment and supplies used in business.	X			

FORM B6B
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor · Case No. 01-12383 Section "A" (If known)

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
28. Inventory.	X			
29. Animals.	X			
30. Crops - growing or harvested. Give particulars.	X			
31. Farming equipment and implements.	X			
32. Farm supplies, chemicals, and feed.	X			
33. Other personal property of any kind not already listed. Itemize.	X			
		2 continuation sheets attached	Total >	$ 28,050.27

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules.)

FORM B6C
(6/90)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous, Case No. 01-12363 Section "A"
Debtor, (If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemption to which debtor is entitled under:

(Check one box)

☐ 11 U.S.C. § 522(b)(1) Exemptions provided in 11 U.S.C. § 522(d). Note: These exemptions are available only in certain states.

☒ 11 U.S.C. § 522(b)(2) Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY, WITHOUT DEDUCTING EXEMPTIONS
Family Home 4801 Neyrey Drive Metairie, LA 70002	La. RS 20:1, Const. Art. 12, § 9	25,000.00	235,110.00
Family Photos, Prints, etc.	La. RS 13:3881(A)(4)(a)	250.00	250.00
Federal Judicial Pension (unvested)	U.S.C. 28 § 376	NO CASH VALUE	NO CASH VALUE
Fidelity Investments IRA	La. RS 20:33(1)	9,500.27	9,500.27
Household Goods and Furnishings	La. RS 13:3881(A)(4)(a)	15,000.00	15,000.00
One Rifle	La. RS 13:3881(A)(4)(a)	200.00	200.00
Wearing Apparel	La. RS 13:3881(A)(4)(a)	3,000.00	3,000.00

FORM B6D
(6/90)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. 01-12363 Section "A"

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO. [redacted] Bank One P.O. Box 32490 Louisville, KY 40232		C	Second Mortgage Family Home 4801 Neyrey Drive Metairie, LA 70002 VALUE $235,110.00				44,998.59	0.00
ACCOUNT NO. [redacted] Chrysler Credit Corporation P. O. Box 7000 Covington, LA 70434		C	2000 Lease 2000 Jeep Cherokee (Lease) VALUE: NO CASH VALUE				0.00	N/A
ACCOUNT NO. [redacted] Chrysler Credit Corporation P. O. Box 7000 Covington, LA 70434		C	2000 Lease 2000 Jeep Cherokee (Lease) VALUE: NO CASH VALUE				0.00	N/A
ACCOUNT NO. [redacted] Fidelity Homestead Association 222 Baronne Street New Orleans, LA 70112		C	First Mortgage Family Home 4801 Neyrey Drive Metairie, LA 70002 VALUE $235,110.00				113,279.54	0.00

0 Continuation sheets attached

Subtotal (Total of this page)	$158,278.13
Total (Use only on last page)	$158,278.13

(Report total also on Summary of Schedules)

B6E
(Rev.4/95)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. 01-12353 Section "A"
Debtor (If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

☒ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to $4,300* per person earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to $4,300* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

☐ **Deposits by individuals**

Claims of individuals up to $1,950* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).

☐ **Alimony, Maintenance, or Support**

Claims of a spouse, former spouse, or child of the debtor for alimony, maintenance, or support, to the extent provided in 11 U.S.C. § 507(a)(7).

☐ **Taxes and Certain Other Debts Owed to Governmental Units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to Maintain the Capital of an Insured Depository Institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

☐ **Other Priority Debts**

* Amounts are subject to adjustment on April 1, 2001, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

1 Continuation sheets attached

FORM B6E - Cont.
(10/03)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. 01-12363 Section "A"
Debtor (If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGENT	UNLIQUIDATED	DISPUTED	TOTAL AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY
ACCOUNT NO.								

Sheet no. 1 of 1 sheets attached to Schedule of Creditors Holding Priority Claims

Subtotal (Total of this page) ▶ $0.00

Total (Use only on last page of the completed Schedule E) ▶ $0.00
(Report total also on Summary of Schedules)

FORM B6F (Official Form 6F) - (10/97)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous (Debtor) Case No. 01-12363 Section "A" (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

☐ Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. 3737555683692007 American Express Centurion Bank Suite 0002 Chicago, IL 60679-0002		C	1997-2000 Credit Card				11,856.57
ACCOUNT NO. [redacted] Bank of Louisiana Mastercard P.O. Box 6972 Metairie, LA 70009-6972 Jules A. Fontana, III Fontana & Fontana, L.L.C. 1022 Loyola Avenue New Orleans, LA 70113		C	1997-2000 Credit Card				1,724.23
ACCOUNT NO. [redacted] Chase Platinum Mastercard P.O. Box 52050 Phoenix, AZ 85072-2050		C	1997-2000 Credit Card				10,198.82
ACCOUNT NO. [redacted] Citibank Advantage P.O. Box 6408 The Lakes, NV 88901-6408		C	1997-2000 Credit Card				23,957.39
ACCOUNT NO. [redacted] Citibank Advantage P.O. Box 6000 The Lakes, NV 89163-6000		C	1997-2000 Credit Card				20,719.58

2 Continuation sheets attached

Subtotal ▶ $68,453.59

Total ▶

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor

Case No. 01-12383 Section "A" (if known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted] Citibank USA P.O. Box 15109 Wilmington, DE 19850-5109 Citifinancial P.O. Box 17127 Baltimore, MD 21297 Edward F. Bukaty, III One Galleria Blvd. Suite 1510 Metairie, LA 70001-2082		C	1997-2000 Credit Card				17,711.35
ACCOUNT NO. [redacted] Dillards P.O. Box 52079 Phoenix, AZ 85072-2079		C	1997-2000 Credit Card				4,673.92
ACCOUNT NO. [redacted] Dillard's P. O. Box 52067 Phoenix, AZ 85072		C	2000 Credit Card				243.14
ACCOUNT NO. [redacted] Discover Platinum P.O. Box 6011 Dover, DE 19903-6011		C	1997-2000 Credit Card				20,783.28

Sheet no. 1 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (total of this page) > $43,411.57

Total (Use only on last page of the completed Schedule F.) >

SC00103

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor

Case No. 01-12363 Section "A" (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted] First USA Bank P.O. Box 94014 Palatine, IL 60094-4014		C	1997-2000 Credit Card				6,048.24
ACCOUNT NO. [redacted] First USA Bank, N.A. First USA Bank, N.A. P.O. Box 8564 Wilmington, DE 19899-8564		C	1997-2000 Credit Card				6,757.42
ACCOUNT NO. [redacted] J.C. Penney P.O. Box 27570 Albuquerque, NM 87125		C	1997-2000 Credit Card				2,980.28
ACCOUNT NO. [redacted] MBNA America P.O. Box 15137 Wilmington, DE 19886-5137		C	2000-2001 Credit Card				3,212.80
ACCOUNT NO. [redacted] MBNA America P.O. Box 15019 Wilmington, DE 19886-5019		C	1997-2000 Credit Card				30,931.02

Sheet no. 2 of 2 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) ▶ $49,907.76

Total (Use only on last page of the completed Schedule F.) ▶

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous
Debtor

Case No. 01-12363 Section "A"
(If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted]		C	1997-2000				29,443.71
MBNA America P.O. Box 15137 Wilmington, DE 19886-5137			Credit Card				
ACCOUNT NO.		C	1999				5,000.00
Regions Bank 301 St. Charles Avenue New Orleans, LA 70130			Personal Loan				

Sheet no. 2 of 2 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) ▶ $34,443.71

Total (Use only on last page of the completed Schedule F.) ▶ $196,246.73

(Report also on Summary of Schedules)

Form B6G
(1/99)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor

Case No. 01-12383 Section "A" (If known)

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

☐ Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST. STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.
Chrysler Credit Corporaiton P. O. Box 7000 Covington, LA 70434	2000 Jeep Cherokee
Chrysler Credit Corporaiton P. O. Box 7000 Covington, LA 70434	2000 Jeep Cherokee

B6H
(6/90)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous , Case No. 01-12353 Section "A"
Debtor (if known)

SCHEDULE H - CODEBTORS

☑ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. 01-12383 Section "A"

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

Debtor's Marital Status: Married	DEPENDENT'S OF DEBTOR AND SPOUSE		
Debtor's Age: Spouse's Age:	NAMES	AGE	RELATIONSHIP
	Catherine A. Porteous	19	Daughter

EMPLOYMENT:	DEBTOR	SPOUSE
Occupation	Judge	
Name of Employer		
How long employed		
Address of Employer	United States of America 500 Camp Street New Orleans, LA 70130	

Income: (Estimate of average monthly income)	DEBTOR	SPOUSE
Current monthly gross wages, salary, and commissions (pro rate if not paid monthly.)	$ 7,531.52	$ 0.00
Estimated monthly overtime	$ 0.00	$ 0.00
SUBTOTAL	$ 7,531.52	$ 0.00
LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	$ 0.00	$ 0.00
b. Insurance	$ 0.00	$ 0.00
c. Union dues	$ 0.00	$ 0.00
d. Other (Specify)	$ 0.00	$ 0.00
SUBTOTAL OF PAYROLL DEDUCTIONS	$ 0.00	$ 0.00
TOTAL NET MONTHLY TAKE HOME PAY	$ 7,531.52	$ 0.00
Regular income from operation of business or profession or farm (attach detailed statement)	$ 0.00	$ 0.00
Income from real property	$ 0.00	$ 0.00
Interest and dividends	$ 0.00	$ 0.00
Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.	$ 0.00	$ 0.00
Social security or other government assistance (Specify)	$ 0.00	$ 0.00
Pension or retirement income	$ 0.00	$ 0.00
Other monthly income (Specify)	$ 0.00	$ 0.00
TOTAL MONTHLY INCOME	$ 7,531.52	$ 0.00

TOTAL COMBINED MONTHLY INCOME $ 7,531.52 (Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document: NONE

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
EMPLOYEE EARNINGS STATEMENT

D05LAECNOLAE MONTHLY PAY PERIOD 06 ENDING 05/31/00 01007
LOUISIANA EASTERN DISTRICT JUDGE & STAFF NEW ORLEANS

PORTEOUS JR., G. THOMAS [redacted] UJ 00/05
DIRECT DEPOSIT 065000029 RETIREMENT CODE 2
SALARY 141,300.00

PAY PERIOD EARNINGS	DAYS	PAY	YTD EARNINGS
REGULAR	30.0	11,775.00	70,266.66
GROSS EARNINGS		11,775.00	70,266.66

PAY PERIOD DEDUCTIONS	DEDUCTIONS	YTD DEDUCTIONS
FICA	889.72	5,320.06
FEDERAL TAX MS-M EXEMPT-02 EXTRA-0000	2,603.27	15,564.22
STATE TAX LA MS-M EXEMPT-02 EXTRA-000	313.91	1,876.30
HEALTH INSURANCE PLAN 105		135.03
GOV/T LIFE INS. PLAN BASIC	48.36	288.48
OPTION-A (STANDARD)	3.03	18.18
OPTION-B (ADDITIONAL)	230.75	918.13
OPTION-C (FAMILY)	9.75	19.50
HEALTH INSURANCE PRE-TAX	144.69	723.45
NET PAY	7,531.52	

MESSAGES :
THE FOLLOWING TWO CHANGES BECAME EFFECTIVE MAY 1, 2000:

(1) FEDERAL EMPLOYEES GROUP LIFE INSURANCE ELECTIONS MADE DURING THE 1999 OPEN ENROLLMENT PERIOD

(2) NEW LIFE INSURANCE RATES FROM OPTION C-FAMILY COVERAGE FOR AGES 65 AND OVER

THESE CHANGES ARE REFLECTED IN THIS PAYCHECK.

Form B6J
(6/90)

In re Gabriel T. Porteous, Jr. Carmelia A. Porteous, Case No. 91-12383 Section "A"
Debtor (If known)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (include lot rented for mobile home)		$ 1,429.00
Are real estate taxes included?	Yes ✓ No ____	
Is property insurance included?	Yes ✓ No ____	
Utilities: Electricity and heating fuel		$ 350.00
Water and sewer		$ 90.00
Telephone		$ 200.00
Other		$ 0.00
Home maintenance (repairs and upkeep)		$ 200.00
Food		$ 750.00
Clothing		$ 525.00
Laundry and dry cleaning		$ 160.00
Medical and dental expenses		$ 300.00
Transportation (not including car payments)		$ 250.00
Recreation, clubs and entertainment, newspapers, magazines, etc.		$ 0.00
Charitable contributions		$ 100.00
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or renter's		$ 0.00
Life		$ 0.00
Health		$ 0.00
Auto		$ 350.00
Other		$ 0.00
Taxes (not deducted from wages or included in home mortgage payments) (Specify)		$ 0.00
Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan)		
Auto		$ 330.00
Other Second Car Lease		$ 330.00
Second Mortgage on Family Home		$ 495.00
Alimony, maintenance or support paid to others		$ 0.00
Payments for support of additional dependents not living at your home		$ 688.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)		$ 0.00
Other Cable Television		$ 45.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)		$ 6,580.00

[FOR CHAPTER 12 AND 13 DEBTORS ONLY]

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income		$ 7,531.52
B. Total projected monthly expenses		$ 6,580.00
C. Excess income (A minus B)		$ 951.52
D. Total amount to be paid into plan each	Monthly (interval)	$ 675.00

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No.

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 16 sheets plus the summary page, and that they are true and correct to the best of my knowledge, information, and belief.

Date: 4-9-01 Signature: Gabriel T. Porteous, Jr.

Date: 4-9-01 Signature: Carmella A. Porteous

(If joint case, both spouses must sign)

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

(NOT APPLICABLE)

Penalty for making a false statement or concealing property. Fine of up to $500,000 or imprisonment for up to 5 years or both. 18 U.S.C §§ 152 and 3571.

UNITED STATES BANKRUPTCY COURT

Eastern District of Louisiana

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. 01-12363 Section "A" Chapter 13

STATEMENT OF FINANCIAL AFFAIRS

1. Income from employment or operation of business

None ☐ State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE	FISCAL YEAR PERIOD
148,450.00	Joint Gross Income	1999
148,799.00	Joint Gross Income	2000
35,325.00	Joint Gross Income	2001

2. Income other than from employment or operation of business

None ☒ State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the two years immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

3. Payments to creditors

None ☐ a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than $600 to any creditor, made within 90 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
Normal Installments			

None ☒ b. List all payments made within one year immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

4. Suits and administrative proceedings, executions, garnishments and attachments

None ☒ a. List all suits and administrative proceedings to which the debtor is or was a party within one year immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

None ☑ b. Describe all property that has been attached, garnished or seized under any legal or equitable process within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

5. Repossessions, foreclosures and returns

None ☑ List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

6. Assignments and receiverships

None ☑ a. Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

None ☑ b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

7. Gifts

None ☑ List all gifts or charitable contributions made within one year immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than $200 in value per individual family member and charitable contributions aggregating less than $100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

8. Losses

None ☑ List all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

9. Payments related to debt counseling or bankruptcy

None ☑ List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within one year immediately preceding the commencement of this case.

10. Other transfers

None ☑

a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

11. Closed financial accounts

None ☑

List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within one year immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

12. Safe deposit boxes

None ☑

List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

13. Setoffs

None ☑

List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within 90 days preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

14. Property held for another person

None ☑

List all property owned by another person that the debtor holds or controls.

15. Prior address of debtor

None ☑

If the debtor has moved within the two years immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

16. Nature, location and name of business

None ☑ a. If the debtor is an individual, list the names and addresses of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within two years immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the two years immediately preceding the commencement of this case.

b. If the debtor is a partnership, list the names and addresses of all businesses in which the debtor was a partner or owned 5 percent or more of the voting securities, within the two years immediately preceding the commencement of this case.

c. If the debtor is a corporation, list the names and addresses of all business in which the debtor was a partner or owned 5 percent or more of the voting securities within two years immediately preceding the commencement of this case.

17. Books, records and financial statements

None ☑ a. List all bookkeepers and accountants who within six years immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

None ☑ b. List all firms or individuals who within the two years immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

None ☑ c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

None ☑ d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the two years immediately preceding the commencement of this case by the debtor.

18. Inventories

None ☑ a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

None ☑ b. List the name and address of the person having possession of the records of each of the two inventories reported in 18a., above.

19. Current Partners, Officers, Directors and Shareholders

None ☑ a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

None ☒ b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting securities of the corporation.

20. Former partners, officers, directors and shareholders

None ☒ a. If the debtor is a partnership, list each member who withdrew from the partnership within one year immediately preceding the commencement of this case.

None ☒ b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within one year immediately preceding the commencement of this case.

21. Withdrawals from a partnership or distributions by a corporation

None ☒ If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during one year immediately preceding the commencement of this case.

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date 4-9-01 Signature of Debtor Gabriel T. Porteous, Jr.

Date 4-9-01 Signature of Joint Debtor Carmella A. Porteous

UNITED STATES BANKRUPTCY COURT
Eastern District of Louisiana

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. 01-12363 Section "A" Chapter 13

CHAPTER 13 PLAN

NOTICE

THIS PLAN CONTAINS EVIDENTIARY MATTER WHICH, IF NOT CONTROVERTED, MAY BE ACCEPTED BY THE COURT AS TRUE. CREDITORS CANNOT VOTE ON THIS PLAN BUT MAY OBJECT TO ITS CONFIRMATION PURSUANT TO BANKRUPTCY CODE § 1324, AND LOCAL RULES. ABSENT ANY SUCH OBJECTION, THE COURT MAY CONFIRM THIS PLAN AND ACCEPT THE VALUATION AND ALLEGATIONS CONTAINED HEREIN.

The Debtor(s) above named hereby proposes the following plan.

1. Debts. All debts are provided for by this Plan. Only creditors holding claims duly proved and allowed shall be entitled to payments from the Trustee. (See Notice of Filing of Bar Date.) Trustee shall not file a claim on behalf of any creditor.

2. Payments. As of the date of this plan, the debtor has paid $0.00 to the Trustee. Debtor and/or any entity from whom the debtor(s) receive income shall pay to the Trustee the sum of $875.00 Monthly, commencing April 26, 2001, for 36 months for a total of $31,500.00 or until such amounts are paid that will afford payment of all allowed and proven claims in the amounts payable under this Plan.

Graduated Payments:	BEGIN MONTH	# OF MONTHS	ADJUSTMENT

3. Plan Payments. The Trustee, from available funds, shall make payments to creditors in the following amounts and order. All dates for beginning of payments are estimates only and may be adjusted by the Trustee as necessary to carry out the terms of this plan.

A.

DEBTOR'S ATTORNEY	FEE REQUESTED	PAID TO DATE	BALANCE DUE	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
Claude C. Lightfoot, Jr.	1,750.00	0.00	1,750.00	833.33	1	2	1,750.00
	0.00	0.00		83.34	3	1	

B. Mortgage Arrears. (Regular monthly payments to be made by Debtor and to start on the first due date after date of filing petition.)

CREDITOR	RATE	ARREARS	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
NONE						

C. Secured Claims. (A creditor's secured claim shall be the net amount due as of date of filing or the value of the collateral to which creditor's lien attaches, whichever is less. Interest shall be allowed at contract rate or 8.00% APR whichever is less. Creditor shall retain its lien until the allowed secured portion of the claim is fully paid.)

CREDITOR & COLLATERAL	RATE	CLAIM	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
I. Secured Claims - Paid in full						
NONE						
II. Secured Claims - Cure default only						
NONE						

SC00117

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. 01-12363 Section "A"
Chapter 13

D. Priority Claims. (Unsecured claims entitled to priority under 11 U.S.C. § 507 shall be paid in full as follows.)

CREDITOR	PRIORITY CLAIM	—PAYMENT SCHEDULE— PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS

E. Separate Class of Unsecured Claims. (May include co-signed debts as provided for by 11 U.S.C. § 1301, including interest at contract rate.)

CREDITOR & CLASSIFICATION	RATE	UNSECURED CLAIM	—PAYMENT SCHEDULE— PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS

F. Unsecured Creditors. (All other creditors not scheduled above are deemed unsecured without priority and shall be paid pro rata from funds remaining after payment of above scheduled claims. Debtor estimates the unsecured claims to total $ 193,833.83, and proposes to provide at least $,22,288.00 which will pay in full said creditors' claims, or in no event, provide a composition percentage of less than 14.83%. (Funds Provided/Unsecured Claims)

G. Lien Avoidance. (Debtor intends to file a motion, pursuant to Bankruptcy Rule 4003(d) to avoid all nonpossessory, nonpurchase money security interests and judicial liens as provided by 11 U.S.C. § 522(f), and the plan herein provides for payment of such liens as general unsecured claims only. Any creditors' claim or portion thereof not listed in paragraph C above is to be treated as unsecured and, unless objected to, such unsecured status, for purposes of this plan, will be binding upon confirmation, but the lien shall survive unless avoided.

H. Leases and Contracts. The Debtor hereby assumes the following unexpired leases and executory contracts, and rejects all others.

NAME OF CREDITOR	DESCRIPTION
Chrysler Credit Corporation	2000 Jeep Cherokee
Chrysler Credit Corporation	2000 Jeep Cherokee

I. Miscellaneous Provisions.

Debtors assume the vehicle leases with Chrysler Credit.

4. Secured Claims - Paid directly by debtor(s). The following creditors' claims are fully secured, shall be paid directly by the debtors, and receive no payments under paragraph 3 above:

CREDITOR	COLLATERAL	MARKET VALUE	AMOUNT OF CLAIM
NONE			

5. Future Income. Debtor(s) submits all future earnings or other future income to such supervision and control of the Trustee as is necessary for the execution of this Plan.

6. Standing Trustee Percentage Fee. Pursuant to 28 U.S.C. § 586(e)(B), the Attorney General, after consultation with the United States Trustee, sets a percentage fee not to exceed ten percent of payments made to creditors by the Trustee under the terms of this Plan.

HP Exhibit 0132

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UNITED STATES BANKRUPTCY COURT
Eastern District of Louisiana

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. 01-12363 Section "A"
Chapter 13

FILED
2001 MAY 29 A 9:27
CLERK
UNITED STATES
BANKRUPTCY COURT

AMENDED - CHAPTER 13 PLAN

NOTICE

THIS PLAN CONTAINS EVIDENTIARY MATTER WHICH, IF NOT CONTROVERTED, MAY BE ACCEPTED BY THE COURT AS TRUE. CREDITORS CANNOT VOTE ON THIS PLAN BUT MAY OBJECT TO ITS CONFIRMATION PURSUANT TO BANKRUPTCY CODE § 1324, AND LOCAL RULES. ABSENT ANY SUCH OBJECTION, THE COURT MAY CONFIRM THIS PLAN AND ACCEPT THE VALUATION AND ALLEGATIONS CONTAINED HEREIN.

The Debtor(s) above named hereby proposes the following plan.

1. Debts. All debts are provided for by this Plan. Only creditors holding claims duly proved and allowed shall be entitled to payments from the Trustee. (See Notice of Filing of Bar Date.) Trustee shall not file a claim on behalf of any creditor.

2. Payments. As of the date of this plan, the debtor has paid $0.00 to the Trustee. Debtor and/or any entity from whom the debtor(s) receive income shall pay to the Trustee the sum of $1,800.00 Monthly, commencing April 28, 2001, for 36 months for a total of $67,600.00 or until such amounts are paid that will afford payment of all allowed and proven claims in the amounts payable under this Plan.

Graduated Payments:	BEGIN MONTH	# OF MONTHS	ADJUSTMENT

3. Plan Payments. The Trustee, from available funds, shall make payments to creditors in the following amounts and order. All dates for beginning of payments are estimates only and may be adjusted by the Trustee as necessary to carry out the terms of this plan.

A. DEBTOR'S ATTORNEY	FEE REQUESTED	PAID TO DATE	BALANCE DUE	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
Claude C. Lightfoot, Jr.	1,750.00	0.00	1,750.00	1,523.81	1	1	1,750.00
	0.00	0.00		226.19	2	1	

B. Mortgage Arrears. (Regular monthly payments to be made by Debtor and to start on the first due date after date of filing petition.)

CREDITOR	RATE	ARREARS	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
NONE						

C. Secured Claims. (A creditor's secured claim shall be the net amount due as of date of filing or the value of the collateral to which creditor's lien attaches, whichever is less. Interest shall be allowed at contract rate or 8.00% APR whichever is less. Creditor shall retain its lien until the allowed secured portion of the claim is fully paid.)

CREDITOR & COLLATERAL	RATE	CLAIM	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
I. Secured Claims - Paid in full						
NONE						
5. Secured Claims - Cure default only						
NONE						

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SC00073

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. 01-12363 Section "A" Chapter 13

D. Priority Claims. (Unsecured claims entitled to priority under 11 U.S.C. § 507 shall be paid in full as follows.)

CREDITOR	PRIORITY CLAIM	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS

E. Separate Class of Unsecured Claims. (May include co-signed debts as provided for by 11 U.S.C. § 1301, including interest at contract rate.)

CREDITOR & CLASSIFICATION	RATE	UNSECURED CLAIM	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS

F. Unsecured Creditors. (All other creditors not scheduled above are deemed unsecured without priority and shall be paid pro rata from funds remaining after payment of above scheduled claims. Debtor estimates the unsecured claims to total $ 193,033.33, and proposes to provide at least $,53,197.14 which will pay in full said creditors' claims, or in no event, provide a composition percentage of less than 27.51%. (Funds Provided/Unsecured Claims)

G. Lien Avoidance. (Debtor intends to file a motion, pursuant to Bankruptcy Rule 4003(d) to avoid all nonpossessory, nonpurchase money security interests and judicial liens as provided by 11 U.S.C. § 522(f), and the plan herein provides for payment of such liens as general unsecured claims only. Any creditors' claim or portion thereof not listed in paragraph C above is to be treated as unsecured and, unless objected to, such unsecured status, for purposes of this plan, will be binding upon confirmation, but the lien shall survive unless avoided.

H. Leases and Contracts. The Debtor hereby assumes the following unexpired leases and executory contracts, and rejects all others.

NAME OF CREDITOR	DESCRIPTION
Chrysler Credit Corporaiton	2000 Jeep Cherokee
Chrysler Credit Corporaiton	2000 Jeep Cherokee

I. Miscellaneous Provisions.

Debtors assume the vehicle leases with Chrysler Credit.

4. Secured Claims - Paid directly by debtor(s). The following creditors' claims are fully secured, shall be paid directly by the debtors, and receive no payments under paragraph 3 above:

CREDITOR	COLLATERAL	MARKET VALUE	AMOUNT OF CLAIM
NONE			

5. Future Income. Debtor(s) submits all future earnings or other future income to such supervision and control of the Trustee as is necessary for the execution of this Plan.

6. Standing Trustee Percentage Fee. Pursuant to 28 U.S.C. § 586(e)(8), the Attorney General, after consultation with the United States Trustee, sets a percentage fee not to exceed ten percent of payments made to creditors by the Trustee under the terms of this Plan.

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. 01-12383 Section "A" Chapter 13

SUMMARY AND ANALYSIS OF PLAN PAYMENTS TO BE MADE BY TRUSTEE

A. Total debt provided under the Plan and administrative expenses

1. Attorney Fees	0.00
2. Mortgage Arrears	0.00
3. Secured Claims	0.00
4. Priority Claims	0.00
5. Separate Class of Unsecured Claims	53,107.14
6. All other unsecured claims	53,107.14
Total payments to above Creditors	54,857.14
Trustee percentage	2,742.86
* Total Debtor payments to the Plan	57,600.00

* Total payments must equal total of payments set forth in paragraph 2 on page 1 of this Plan.

B. Reconciliation with Chapter 7

1. Interest of unsecured creditors if Chapter 7 filed	
a. Total property of debtor	263,160.27
b. Property securing debt	158,278.13
c. Exempt property	52,950.27
d. Priority unsecured claims	0.00
e. Chapter 7 trustee fee	5,598.59
f. Funds for Chapter 7 distribution (est.)	46,333.28
2. Percent of unsecured, nonpriority claims paid under Plan	27.51
3. Percent of unsecured, nonpriority claims paid if Chapter 7 filed (est.)	28.90

Attorney for Debtor(s):

Claude C. Lightfoot, Jr.
LA 17989

Claude C. Lightfoot, Jr. P.C.
3500 N. Causeway Blvd.
Suite 450
Metairie, LA 70002

Phone: 504/838-8571
Fax: 504/838-8572

Signed: Claude C. Lightfoot, Jr.

Signed: Gabriel T. Porteous, Jr., Debtor

Signed: Carmella A. Porteous, Joint Debtor

Dated: 5-29-01

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United States Bankruptcy Court

EASTERN DISTRICT OF LOUISIANA

Case Number 01-12363

NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 13 OF THE BANKRUPTCY CODE, MEETING OF CREDITORS, AND FIXING OF DATES

FILED
2001 APR 19 P 2:28
CLERK
UNITED STATES
BANKRUPTCY COURT
NEW ORLEANS, LA

In Re
GABRIEL T PORTEOUS JR
CARMELLA A PORTEOUS

aka

PO BOX 1723
HARVEY LA 70059

Date Case Filed (or converted to Chapter 13):	Deadline to file a proof of claim:
Mar 28, 2001	Aug 07, 2001

COMMENCEMENT OF CASE. An individual's debt adjustment case under chapter 13 of the Bankruptcy Code has been filed in this court by the debtor or debtors named above, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property and debts, are available for inspection at the office of the clerk of the bankruptcy court.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom the debtor owes money. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions, repossessions, or wage deductions. Some protection is also given to certain codebtors of consumer debts. If unauthorized actions are taken by a creditor against a debtor, or a protected codebtor, the court may punish that creditor. A creditor who is considering taking action against the debtor or the property of the debtor, or any codebtor, should review §§ 362 and 1301 of the Bankruptcy Code and may wish to seek legal advice. The staff of the clerk of the bankruptcy court is not permitted to give legal advice, nor is the Trustee's staff.

MEETING OF CREDITORS. The debtor (both husband and wife in a joint case) is required to appear at the meeting of creditors on the date and at the place set forth below in the box labeled "Date, Time, and Location of Meeting of Creditors" for the purpose of being examined under oath. Attendance by creditors at the meeting is welcome, but not required. At the meeting, the creditors may examine the debtor and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors. The plan may be amended at the meeting of creditors without further written notice.

PROOF OF CLAIM. Except as otherwise provided by law, in order to share in any payment from the estate, a creditor must file a proof of claim by the date set forth above in the box labeled "Deadline to file a proof of claim". The place to file the proof of claim, either in person or by mail, is the office of the clerk of the bankruptcy court. *Proofs of claim must be filed in duplicate.*

PURPOSE OF A CHAPTER 13 FILING. Chapter 13 of the Bankruptcy Court is designed to enable a debtor to pay debts in full or in part over a period of time pursuant to a plan. A plan is not effective unless approved by the bankruptcy court at a confirmation hearing. Creditors will be given notice in the event the case is dismissed or converted to another chapter of the Bankruptcy Code.

DATE, TIME AND LOCATION OF MEETING OF CREDITORS
May 09, 2001 at 9:30 AM
400 Poydras Street, Room 2112, New Orleans, Louisiana

DATE, TIME AND LOCATION OF HEARING ON CONFIRMATION OF PLAN
May 29, 2001 at 10:00 AM
United States Bankruptcy Court, 501 Magazine Street, Room 709, New Orleans, Louisiana

SUMMARY OF PLAN AS FILED BY THE DEBTOR

The debtor proposes payments to the trustee of $ 875.00 MONTHLY for approximately 36 months

Unsecured non-priority claims are to be paid at 14.63 %.

Address of Clerk of the Bankruptcy Court	Name and Address of Trustee
UNITED STATES BANKRUPTCY COURT 501 MAGAZINE STREET ROOM 601 NEW ORLEANS LA 70130	S J BEAULIEU JR 433 METAIRIE ROAD SUITE 515 METAIRIE LA 70005 Telephone Number (504) 831-1313
To:	Name and Address of Attorney for Debtor CLAUDE C LIGHTFOOT JR STE 450 3500 N CAUSEWAY BLVD METAIRIE LA 70002 Telephone Number (504) 838-8571

COURT COPY

SC00085

HP Exhibit 128

United States Bankruptcy Court *Eastern District of Louisiana*	PROOF OF CLAIM
In re (Name of Debtor)	Case Number *Chapter 13*
Note: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 USC 503.	Claim Number (REQUIRED - Found on Notice)
Name of Creditor (Person or entity to whom the debtor owes money)	☐ Check box if this claim amends or replaces a previously filed claim dated:
Address where payments should be mailed:	Date debt was incurred: _____ If court judgment, date obtained: _____ Court rendering judgment: _____
Account or other number by which creditor identifies debtor (This number will appear on all checks to the creditor)	Creditor's telephone no.

1. BASIS FOR CLAIM

☐ Goods sold
☐ Services performed
☐ Money loaned
☐ Personal injury/wrongful death
☐ Taxes
☐ Other (Describe briefly):

☐ Retiree benefits as defined in 11 USC 1114(a)
☐ Wages, salaries and commissions (Fill out below)

Your Social Security Number: _____

Unpaid compensation for services performed from:

_____ (date) to _____ (date)

2. CLASSIFICATION OF CLAIM (Under the Bankruptcy Code, all claims are classified as one or more of the following: (1) secured, (2) unsecured non-priority, (3) unsecured priority. It is possible for part of a claim to be in one category and part in another).

☐ Secured claim: $_____
Attach evidence of perfection of security interest
Amount of arrearage included in secured claim, if any:
$_____

☐ Unsecured nonpriority claim:
$_____
A claim is unsecured if there is no collateral or lien on property of the debtor securing the claim, or to the extent that the value of such property is less than the amount of the claim.

☐ Unsecured priority claim: $_____
Specify the priority of the claim (see 11 USC 507):
☐ Wages, salaries or commissions
☐ Contributions to an employee benefit plan
☐ Deposits toward purchase, lease or rental of property or services for personal, family, or household use
☐ Taxes or penalties of government units
☐ Other (describe briefly):

3. TOTAL AMOUNT OF CLAIM AT THE TIME THE CASE WAS FILED:

$_____ (secured) $_____ (unsecured) $_____ (priority) $_____ (TOTAL CLAIM)

4. CREDITS AND SETOFFS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to the debtor.
5. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.
6. TIME-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and an extra copy of this proof of claim.
7. INTEREST: If you are to be paid interest, calculate the amount of interest payable over the length of the plan and include that amount in your claim.
8. CHAPTER 13 PROOFS OF CLAIM MUST BE FILED IN DUPLICATE.

Date	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim

PENALTY FOR PRESENTING FRAUDULENT CLAIM: FINE UP TO $500,000, IMPRISONMENT UP TO 5 YEARS, OR BOTH. 18 USC §§ 152 & 3571

Certificate of Servic

I certify that notice of the entry of the order for relief and notice of the time and place of the §341 meeting of creditors was sent by first class mail to the below listed parties at the addresses supplied as follows:

ABRIEL T PORTEOUS JR ARMELLA A PORTEOUS O BOX 1723 ARVEY LA 70059	CLAUDE C LIGHTFOOT JR STE 450 3500 N CAUSEWAY BLVD METAIRIE LA 70002	DEPT OF REVENUE AND TAXATION P O BOX 66658 BATON ROUGE LA 70896	U S ATTORNEY'S OFFICE ROOM 210 501 MAGAZINE STREET NEW ORLEANS LA 70130
ANK ONE O BOX 32490 OUISVILLE KY 40232	CHRYSLER FINANCIAL PO BOX 7000 COVINGTON LA 70434	FIDELITY HOMESTEAD 222 BARRONE ST NEW ORLEANS LA 70112	AMERICAN EXPRESS SUITE 0002 CHICAGO IL 60679
ANK OF LOUISIANA O BOX 6972 ETAIRIE LA 70009	JULES FONTANA ATTY 1022 LOYOLA AVE NEW ORLEANS LA 70113	CHASE BANKCARD SERVICES PO BOX 52050 PHOENIX AR 85072	CITIBANK PO BOX 6408 THE LAKES NV 88901
ITIBANK O BOX 6000 HE LAKES NV 88901	CITIBANK PO BOX 15109 WILMINGTON DE 19850	CITIFINANCIAL INVESTMENT RECOVERY PO BOX 17127 BALTIMORE MD 21297	EDWARD F BUKATY III STE 1810 ONE GALLERIA BLVD METAIRIE LA 70001
ILLAROS NATIONAL BANK O BOX 52079 HOENIX AZ 85072	DILLARDS PO BOX 52067 PHOENIX AZ 85092	DISCOVER PO BOX 6011 DOVER DE 19903	FIRST USA BANK PO BOX 94014 PALATINE IL 60094
IRST USA O BOX 8864 ILMINGTON DE 19899	JC PENNEY PO BOX 27570 ALBUQUERQUE NM 87125	MBNA AMERICA PO BOX 15137 WILMINGTON DE 19850	MBNA AMERICA PO BOX 15019 WILMINGTON DE 19886
BNA AMERICA O BOX 15137 ILMINGTON DE 19850	REGIONS BANK OF LA 301 ST CHARLES AVE NEW ORLEANS LA 70130		

CASE #01-12363 April 18, 2001

7

United States Bankruptcy Court

Eastern District of Louisiana

In re: *Chapter 13*

GABRIEL T PORTEOUS JR
CARMELLA A PORTEOUS

2001 MAY 15 P 12:50 Case #01-12363

CLERK
UNITED STATES
BANKRUPTCY COURT

TRUSTEE'S MEMO TO RECORD

At the §341 Meeting of Creditors held today in this case, S. J. Beaulieu, Jr., Chapter 13 Trustee, presiding, the following determinations were reached:

✓ Debtor(s) present.
✓ Debtor's attorney present, CLAUDE C LIGHTFOOT JR
____ Plan is confirmable; 14.63% to unsec creds, 36 months.
____ Meeting is continued.
____ Debtor(s) not present; Trustee to request dismissal.
____ Schedules not filed; Trustee to request dismissal.
✓ Plan is not confirmable; Trustee objects to confirmation.
____ Objection(s) filed by creditor(s).
____ Case converted to Chapter ____.
____ Trustee requests amendment and/or more information.
____ Other:

New Orleans, May 09, 2001.

S J Beaulieu Jr
S. J. Beaulieu, Jr.
Chapter 13 Trustee

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SC00083

HP Exhibit 129

TP: Thomas Porteous
SJB: S.J. Beaulieu, Trustee
CL: Claude C. Lightfoot, Jr., Thomas Porteous' Attorney
UI: Unintelligible
Thomas M. Brahney III, United States Bankruptcy Judge

1 SJB: 2001 12 365 Portious. What this is is a peal and stick label to be put on your money
2 order or certified check that you send to me on a monthly basis and help us insure we can
3 read your handwriting and number will be correct ok. I'm not gonna go through the
4 normal spiel here your attorney has probably already told you everything you need to
5 know. You should have gotten one of these though, ok and you gonna call him anyway
6 but if you need it mostly questions that you have you will find the answers in there.
7 Please raise your right hand, solemnly swear the testimony you're about to give would be
8 the whole truth nothing but the truth so help you god.

9 TP: I do.

10 SJB: Your signature.

11 TP: Yes.

12 SJB: Everything in here true and correct

13 TP: Yes

14 SJB: To the best of your knowledge. And your mailing address you use the P.O. Box 1723 in
15 Albany, is that correct?

16 CL: We changed that though

17 SJB: What's your new address.

18 CL: It's on an amended petition issued 4801

19 SJB: When when did you file that part.

20 CL: Let's see what I got

21 TP: Approximately a week after

22 SJB: I got one on April 9th.

23 CL: You got it.

1 SJB: April 9th one.

2 CL: That was that the plan cause I also filed an amended petition into .....

3 SJB: We'll send it to your new address ok.

4 TP: Alright

5 CL: You got the 4801 Ney Rey

6 SJB: Have you ever filed bankruptcy before?

7 TP: No

8 SJB: Listed all your assets

9 TP: Yes

10 SJB: (UI) forms of income. Filed any lawsuits against anybody that's pending at this
11 time? Are your parents living?

12 TP: No

13 SJB: Both deceased.

14 TP: They both deceased.

15 SJB: These your signatures and your wife's signature, where is your wife?

16 TP: She's, out of town.

17 SJB: Waiting for appearance no credit is to object. Married and living together and you have
18 one daughter at home she's in high school or college.

19 TP: College.

20 SJB: According to United States of America you take home about $7,500 a month, is that
21 right?

22 TP: Um hum.

23 SJB: You got my my a objection um I believe and deficiency.

1 TP: Um hum.

2 SJB: And a deficiency had a long list of uh objected to your attorney's fees Mr. Lightfoot

3 TP: Um hum

4 SJB: Is excessive you need to go before Judge Brahney he has to set the dollar amount if you
5 have the time you probably ok in that. The best interest is unsecured credit is because
6 you had equity in your property and you bump up your percentage I've already talked to
7 Mr. Lightfoot about that and he's indicated to me that he uh was going to do a formal
8 amendment the other objection was the food, clothing, medical, dental, charitable
9 contribution and payment of tuition. Basically what we say in this is that you paying a
10 lower percentage back to your unsecured creditors you're not paying back what they
11 would have received in the chapter 7 for the best interest the unsecured creditors tasking
12 the city excessive dollar amounts. We have some set dollar amounts if you need to go
13 before the judge so you can do that, he makes the final decision. The only thing I think
14 Mr. Lightfoot has indicated to me that he has a problem with is is the tuition and that is
15 going to have to be put down by Judge Brahney

16 CL: Which which isn't tuition it's it's just uh

17 SJB: It's room and board

18 TP: Living right room and board

19 SJB: It's living expense

20 CL: Exactly

21 SJB: Because your daughter has gotten full scholarships

22 TP: That's correct.

23 SJB: Bare with me while we go through this, um, Fidelity has the mortgage on your home you
24 gonna pay the normal debt directly to them and that's $1,429, is that correct?

25 TP: If if it's on that that must be the amount I mean I'm sure it is.

26 SJB: Your wife probably handles all that.

27 TP: I'm sure it's $1,429

28 SJB: And an you you were current with your payments to them, is that right

1 TP: Absolutely current

2 SJB: Bank One has the second mortgage on your home you gonna pay the $495 to them.

3 TP: That one I'm sure is correct.

4 SJB: (Laugh) Taking taking care there no arrearages on that.

5 TP: No

6 SJB: Is that correct.

7 TP: No.

8 SJB: You have two leases one on both Jeeps

9 TP: Cherokees

10 SJB: and you paying those two debts of $330 a piece and you're current on both of those

11 TP: Current

12 SJB: Any charge cards that you may have you have you cannot use any longer. So basically
13 you on a cash basis now. I have no further questions except have you made your first
14 payments?

15 TP: No not yet.

16 CL: No because we know we knew we were working on an amendment but before
17 confirmation we'll have.

18 SJB: You have to have two.

19 CL: The yeah two payment.

20 TP: (UI) Two.

21 SJB: Two payments before confirmation you won't need to come back to confirmation if you
22 handle the objections that I have uh and even if you don't agree with my objections and
23 Mr. Lightfoot you probably won't have to be involved normally attorney of record will
24 take care of that.

25 CL: I'll be there.

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

IN THE MATTER OF	CASE NUMBER
Gabriel T. Porteous, Jr. **Carmella A. Porteous**	**01-12363** **Section "A"**
DEBTORS	CHAPTER 13

AMENDED SCHEDULE F AND MODIFIED CHAPTER 13 PLAN PRIOR TO CONFIRMATION

Respectfully submitted,

CLAUDE C. LIGHTFOOT, JR., P.C.

Claude C. Lightfoot, Jr. (17989)
3500 N. Causeway Blvd.
Suite 450
Metairie, LA 70002
PH: (504) 838-8571
Attorney for Debtors

p.11

Form B6J
(6/90)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. 01-12363 Section "A"
Debtor (If known)

AMENDED SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

FILED
2001 MAY 29 A 9:27
CLERK
UNITED STATES
DISTRICT COURT

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (include lot rented for mobile home)		$ 1,429.00
Are real estate taxes included? Yes ✓ No		
Is property insurance included? Yes ✓ No		
Utilities Electricity and heating fuel		$ 350.00
Water and sewer		$ 110.00
Telephone		$ 200.00
Other		$ 0.00
Home maintenance (repairs and upkeep)		$ 200.00
Food		$ 450.00
Clothing		$ 200.00
Laundry and dry cleaning		$ 150.00
Medical and dental expenses		$ 300.00
Transportation (not including car payments)		$ 250.00
Recreation, clubs and entertainment, newspapers, magazines, etc.		$ 0.00
Charitable contributions		$ 100.00
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or renter's		$ 0.00
Life		$ 0.00
Health		$ 0.00
Auto		$ 350.00
Other		$ 0.00
Taxes (not deducted from wages or included in home mortgage payments) (Specify)		$ 0.00
Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan)		
Auto		$ 330.00
Other Second Car Lease		$ 330.00
Second Mortgage on Family Home		$ 495.00
Alimony, maintenance or support paid to others		$ 0.00
Payments for support of additional dependents not living at your home		$ 588.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)		$ 0.00
Other Cable Television		$ 45.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)		$ 5,875.00

[FOR CHAPTER 12 AND 13 DEBTORS ONLY]

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income		$ 7,531.52
B. Total projected monthly expenses		$ 5,875.00
C. Excess income (A minus B)		$ 1,658.52
D. Total amount to be paid into plan each	Monthly (interval)	$ 1,600.00

Carmella G Porteous

SC00079

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UNITED STATES BANKRUPTCY COURT
Eastern District of Louisiana

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. 01-12353 Section "A"
Chapter 13

FILED
2001 MAY 29 A 9:27
CLERK
UNITED STATES
BANKRUPTCY COURT

AMENDED - CHAPTER 13 PLAN

NOTICE

THIS PLAN CONTAINS EVIDENTIARY MATTER WHICH, IF NOT CONTROVERTED, MAY BE ACCEPTED BY THE COURT AS TRUE. CREDITORS CANNOT VOTE ON THIS PLAN BUT MAY OBJECT TO ITS CONFIRMATION PURSUANT TO BANKRUPTCY CODE § 1324, AND LOCAL RULES. ABSENT ANY SUCH OBJECTION, THE COURT MAY CONFIRM THIS PLAN AND ACCEPT THE VALUATION AND ALLEGATIONS CONTAINED HEREIN.

The Debtor(s) above named hereby proposes the following plan.

1. Debts. All debts are provided for by this Plan. Only creditors holding claims duly proved and allowed shall be entitled to payments from the Trustee. (See Notice of Filing of Bar Date.) Trustee shall not file a claim on behalf of any creditor.

2. Payments. As of the date of this plan, the debtor has paid $0.00 to the Trustee. Debtor and/or any entity from whom the debtor(s) receive income shall pay to the Trustee the sum of $1,600.00 Monthly, commencing April 28, 2001, for 36 months for a total of $57,600.00 or until such amounts are paid that will afford payment of all allowed and proven claims in the amounts payable under this Plan.

Graduated Payments:	BEGIN MONTH	# OF MONTHS	ADJUSTMENT

3. Plan Payments. The Trustee, from available funds, shall make payments to creditors in the following amounts and order. All dates for beginning of payments are estimates only and may be adjusted by the Trustee as necessary to carry out the terms of this plan.

A.

DEBTOR'S ATTORNEY	FEE REQUESTED	PAID TO DATE	BALANCE DUE	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
Claude C. Lightfoot, Jr.	1,750.00	0.00	1,750.00	1,523.81	1	1	1,750.00
	0.00	0.00		226.19	2	1	

B. Mortgage Arrears. (Regular monthly payments to be made by Debtor and to start on the first due date after date of filing petition.)

CREDITOR	RATE	ARREARS	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
NONE						

C. Secured Claims. (A creditor's secured claim shall be the net amount due as of date of filing or the value of the collateral to which creditor's lien attaches, whichever is less. Interest shall be allowed at contract rate or 8.00% APR whichever is less. Creditor shall retain its lien until the allowed secured portion of the claim is fully paid.)

CREDITOR & COLLATERAL	RATE	CLAIM	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
I. Secured Claims - Paid in full						
NONE						
II. Secured Claims - Cure default only						
NONE						

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SC00073

HP Exhibit 132

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. 01-12363 Section "A" Chapter 13

D. Priority Claims. (Unsecured claims entitled to priority under 11 U.S.C. § 507 shall be paid in full as follows.)

CREDITOR	PRIORITY CLAIM	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS

E. Separate Class of Unsecured Claims. (May include co-signed debts as provided for by 11 U.S.C. § 1301, including interest at contract rate.)

CREDITOR & CLASSIFICATION	UNSECURED CLAIM	RATE	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS

F. Unsecured Creditors. (All other creditors not scheduled above are deemed unsecured without priority and shall be paid pro rata from funds remaining after payment of above scheduled claims. Debtor estimates the unsecured claims to total $ 193,633.93, and proposes to provide at least 3,83,107.14 which will pay in full said creditors' claims, or in no event, provide a composition percentage of less than 27.51%. (Funds Provided/Unsecured Claims)

G. Lien Avoidance. (Debtor intends to file a motion, pursuant to Bankruptcy Rule 4003(d) to avoid all nonpossessory, nonpurchase money security interests and judicial liens as provided by 11 U.S.C. § 522(f), and the plan herein provides for payment of such liens as general unsecured claims only. Any creditors' claim or portion thereof not listed in paragraph C above is to be treated as unsecured and, unless objected to, such unsecured status, for purposes of this plan, will be binding upon confirmation, but the lien shall survive unless avoided.

H. Leases and Contracts. The Debtor hereby assumes the following unexpired leases and executory contracts, and rejects all others.

NAME OF CREDITOR	DESCRIPTION
Chrysler Credit Corporaiton	2000 Jeep Cherokee
Chrysler Credit Corporaiton	2000 Jeep Cherokee

I. Miscellaneous Provisions.

Debtors assume the vehicle leases with Chrysler Credit.

4. Secured Claims - Paid directly by debtor(s). The following creditors' claims are fully secured, shall be paid directly by the debtors, and receive no payments under paragraph 3 above:

CREDITOR	COLLATERAL	MARKET VALUE	AMOUNT OF CLAIM
NONE			

5. Future Income. Debtor(s) submits all future earnings or other future income to such supervision and control of the Trustee as is necessary for the execution of this Plan.

6. Standing Trustee Percentage Fee. Pursuant to 28 U.S.C. § 586(e)(B), the Attorney General, after consultation with the United States Trustee, sets a percentage fee not to exceed ten percent of payments made to creditors by the Trustee under the terms of this Plan.

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. 01-12383 Section "A" Chapter 13

SUMMARY AND ANALYSIS OF PLAN PAYMENTS TO BE MADE BY TRUSTEE

A. Total debt provided under the Plan and administrative expenses

1. Attorney Fees	0.00
2. Mortgage Arrears	0.00
3. Secured Claims	0.00
4. Priority Claims	0.00
5. Separate Class of Unsecured Claims	53,107.14
6. All other unsecured claims	53,107.14
Total payments to above Creditors	54,857.14
Trustee percentage	2,742.86
* Total Debtor payments to the Plan	57,600.00

* Total payments must equal total of payments set forth in paragraph 2 on page 1 of this Plan.

B. Reconciliation with Chapter 7

1. Interest of unsecured creditors if Chapter 7 filed	
a. Total property of debtor	263,160.27
b. Property securing debt	158,278.13
c. Exempt property	52,950.27
d. Priority unsecured claims	0.00
e. Chapter 7 trustee fee	5,596.69
f. Funds for Chapter 7 distribution (est.)	46,335.28
2. Percent of unsecured, nonpriority claims paid under Plan	27.51
3. Percent of unsecured, nonpriority claims paid if Chapter 7 filed (est.)	26.90

Attorney for Debtor(s):

Claude C. Lightfoot, Jr.
LA 17989

Claude C. Lightfoot, Jr. P.C.
3500 N. Causeway Blvd.
Suite 450
Metairie, LA 70002

Phone: 504/838-9571
Fax: 504/838-9572

Signed: Claude C. Lightfoot, Jr.

Signed: Gabriel T. Porteous, Jr., Debtor

Signed: Carmella A. Porteous, Joint Debtor

Dated: 5-29-01

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

DOCKETED

JUL 2 2001
WARREN A. CUNTZ, JR., CLERK
UNITED STATES BANKRUPTCY COURT
NEW ORLEANS, LA.

IN RE:	§	CASE NO.
GABRIEL T. PORTEOUS and CARMELLA A. PORTEOUS	§	01-12363
P.O. BOX 1723	§	
HARVEY, LA 77059	§	
DEBTORS	§	DATE: 05/29/01
	§	

ORDER CONFIRMING THE DEBTOR'S PLAN AND RELATED ORDERS

After notice and a hearing, wherein the Court considered the matters on file herein, including the Summary and Analysis of Chapter 13 Plan, the recommendation of the Chapter 13 Trustee, and any objections to confirmation of the Plan, the Court finds that the Plan meets the requirements of the 11 U.S.C. Sec. 1325(a) and should be confirmed.

IT IS ORDERED THAT:

1. The Debtor's Plan is confirmed.

2. The Debtor shall pay the sum of $1,600.00 per month to S.J. Beaulieu, Jr., Trustee, payable at P. O. Box 6537, New York, NY 10249, on the 28th day of each month, beginning the 28th day of April, 2001, for a period of 36 months, or for a longer term if necessary to insure that all of the allowed claims provided for under the plan have been paid in accordance with the terms of the Plan, as modified by the terms of this order or other subsequent court order.

3. The Trustee shall make disbursements pursuant to provisions of the plan as modified by this order, and Sec. 1326 of the Bankruptcy Code. The Trustee shall make disbursements monthly, unless otherwise provided by the Plan, but shall not be required to pay any dividend in an amount less than $15.00. Dividends not distributed because of this provision shall accumulate, and be paid when such accumulation aggregates $15.00 or more.

4. The debtor(s) shall not incur additional debt during the term of this Plan except upon written approval of the Trustee. Failure to obtain such approval may cause the claim for such debt to be unallowable and non-dischargeable.

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SC00050

HP Exhibit 133

5. The order of payment, unless otherwise directed, shall be:

   a. The percentage fee fixed for the Trustee pursuant to 28 U.S.C. Sec. 586(e);

   b. Any unpaid claim of the kind specified in Section 507(a) of Title 11 U.S.C.;

   c. Creditors whose claims are timely filed and allowed in such order preference as may be provided by the Plan.

6. The following secured claims are known to the Court at this time and are allowed as follows:

Name of Creditor	Clm or Sch. Amt.	Value of Collateral	Int. Rate	Mthly Pmt.
Bank One (Paid Direct)	$ 44,998.59	$235,110.00	0	$ 495.00
Chrysler Credit Corp (Paid Direct-Lease)	–	–	–	$ 330.00
Chrysler Credit Corp (Paid Direct-Lease)	–	–	–	$ 330.00
Fidelity Homestead (Paid Direct)	$113,279.54	$235,110.00	–	$1,429.00

The following secured claims are dealt with pursuant to 11 U.S.C. Sec. 1325(a)(5)(C):

Name of Creditor	Clm or Sch. Amt.	Value of Collateral	Creditor Comment
None			

The Debtor abandons all interest in the collateral securing the claim and will surrender possession thereof upon confirmation of the Plan.

7. This order may be entered prior to the expiration of the time within which claims may be filed. This order shall establish conclusive findings as to the value of a creditor's interest in the estate's interest in property securing a creditor's claim and shall be reviewable on such notice of the valuation or the confirmation hearing. Except where limited by a determination of the value of the creditor's interest in the estate's interest in the collateral securing a claim, contained in this order, or a subsequent court order, the amount of a secured claim shall be determined pursuant to 11 U.S.C. Sec. 502.

8. In the event a claim is timely filed, and its treatment is not specifically addressed in either the plan or this order, the Trustee may either seek modification of the plan, pay the claim, if doing so will not unfairly prejudice other creditors, or may seek a dismissal of the case if knowledge of the existence of the claim would have prevented the Trustee from recommending confirmation of the Plan at the time of the confirmation hearing.

9. The following special conditions apply to the Plan:

CONFIRMATION OF THE DEBTOR'S CHAPTER 13 PLAN SHALL BE DEEMED AN APPROVAL OF THE FEES CHARGED BY THE DEBTOR'S ATTORNEY.

10. Each secured creditor described herein shall retain the lien existing prior to the commencement of the case to secure payment of the allowed amount of its secured claim.

SIGNED this 28th day of June, 2001.

William Greendyke

WILLIAM GREENDYKE
U.S. BANKRUPTCY JUDGE

25

United States Bankruptcy Court Eastern District of Louisiana	01-12363 Case Number
TRUSTEE'S NOTICE OF INTENTION TO PAY CLAIMS	Chapter 13

GABRIEL T PORTEOUS JR
CARMELLA A PORTEOUS

4801 NEYREY DR
METAIRIE LA 70002

Notice is hereby given that the Trustee intends to pay the creditors who have filed timely claims as detailed below, pursuant to 11 USC 502(a). Any party in interest who objects to the payment of any of these claims must file an objection, with service upon the Trustee, the debtor and the claimant, pursuant to FRBP 3007. Absence of a timely filed objection will be construed as approval by the debtor of the claims filed herein.

#	Name	Account Number	Type	Date Filed	Amount
01	BANK ONE	[redacted]	DIRECT PAY	Apr 17, 2001	.00
02	CHRYSLER FINANCIAL CORP	[redacted]	DIRECT PAY	May 15, 2001	6,982.57
03	CHRYSLER FINANCIAL CORP	[redacted]	DIRECT PAY	May 15, 2001	6,979.35
04	FIDELITY HOMESTEAD	[redacted]	DIRECT PAY	May 09, 2001	109,488.86
05	BECKET & LEE LLP	[redacted]	UNSECURED	Apr 17, 2001	11,855.57
06	BANK OF LOUISIANA	[redacted]	UNSECURED	Apr 23, 2001	1,910.00
07	JULES FONTANA ATTY	[redacted]	NOTICE ONLY	Apr 17, 2001	.00
08	CHASE BANKCARD SERVICES	[redacted]	UNSECURED	NOT FILED	.00
09	CITIBANK	[redacted]	UNSECURED	NOT FILED	.00
10	CITIBANK	[redacted]	UNSECURED	Jun 29, 2001	21,227.06
11	CITIFINANCIAL	[redacted]	UNSECURED	May 25, 2001	17,711.35
12	CITIFINANCIAL INVESTMENT	[redacted]	NOTICE ONLY	Apr 17, 2001	.00
13	EDWARD F BUKATY III	[redacted]	NOTICE ONLY	Apr 17, 2001	.00
14	DILLARD NATIONAL BANK	[redacted]	UNSECURED	Jul 02, 2001	5,033.55
15	DILLARD NATIONAL BANK	[redacted]	UNSECURED	Jul 02, 2001	597.88
16	DISCOVER FINANCIAL SERVICES	[redacted]	UNSECURED	May 10, 2001	22,640.41
17	FIRST USA BANK	[redacted]	UNSECURED	NOT FILED	.00
18	FIRST USA	[redacted]	UNSECURED	NOT FILED	.00
19	JC PENNEY	[redacted]	UNSECURED	NOT FILED	.00
20	MAX FLOW CORP	[redacted]	UNSECURED	May 21, 2001	5,436.02
21	MAX FLOW CORP	[redacted]	UNSECURED	May 21, 2001	30,931.02
22	MAX FLOW CORP	[redacted]	UNSECURED	May 21, 2001	29,443.71
23	REGIONS BANK	[redacted]	UNSECURED	Aug 06, 2001	5,158.98
24	ROBIN RONQUILLO DE LEO	[redacted]	NOTICE ONLY	Apr 25, 2001	.00
25	DILLARD NATIONAL BANK	[redacted]	UNSECURED	Jul 02, 2001	251.54

cc: CLAUDE C LIGHTFOOT JR
STE 450
3500 N CAUSEWAY BLVD
METAIRIE LA 70002

S J. Beaulieu Jr.
Chapter 13 Trustee

October 4, 2001

SC00046

HP Exhibit 134

35

United States Bankruptcy Court

Eastern District of Louisiana

In re: *Chapter 13*

GABRIEL T PORTEOUS JR
CARMELLA A PORTEOUS

Case #01-12363

4801 NEYREY DR
METAIRIE LA 70002

TRUSTEE'S *EX PARTE* MOTION TO AMEND THE PLAN

Now into Court comes S. J. Beaulieu, Jr., Chapter 13 Trustee, who prays that the Court order the plan in this case amended by increasing the percentage payable to unsecured creditors to 34.53% of their allowed claims. This amendment is necessary for the plan to comply with 11 USC 1325(b)(1)(B), which requires that all the debtor's disposable income for three years be applied to plan payments.

S J Beaulieu Jr
S. J. Beaulieu, Jr.
Chapter 13 Trustee

Attorney for Debtor:

CLAUDE C LIGHTFOOT JR
STE 450
3500 N CAUSEWAY BLVD
METAIRIE LA 70002

Certificate of Service

I hereby certify that a copy of the foregoing pleading was mailed this date to all parties of interest herein, including:

Debtor ✓ Atty ✓

Creditor _____ Employer _____

S J Beaulieu, Jr. Trustee

By: [illegible] Date 8/21/03

SC00033

HP Exhibit 135

AU

United States Bankruptcy Court Eastern District of Louisiana	01-12363 Case Number

CHAPTER 13 TRUSTEE'S FINAL REPORT AND ACCOUNT

In re: GABRIEL T PORTEOUS JR CARMELLA A PORTEOUS 4801 NEYREY DR METAIRIE LA 70002	This case was: *COMPLETED* Final Meeting of Creditors: *8:40 AM, May 18, 2004*

S. J. Beaulieu, Jr., Chapter 13 Trustee, respectfully submits for the Court's approval a report of his administration of this estate, avers that the case has been fully administered pursuant to FRBP 5009, and prays that he be relieved of his trust. The total amount received from or on behalf of the debtor was $ 57,600.00, which was disbursed as follows:

#	NAME	TYPE	% ALLOWED	CLAIM AMT	PRINCIPAL PD	INTEREST PD
01	BANK ONE	DIRECT PAY	.00	.00	.00	.00
02	CHRYSLER FINANCIAL CORP	DIRECT PAY	.00	6,982.57	.00	.00
03	CHRYSLER FINANCIAL CORP	DIRECT PAY	.00	6,979.35	.00	.00
04	FIDELITY HOMESTEAD	DIRECT PAY	.00	109,488.96	.00	.00
05	ECAST SETTLEMENT CORP	UNSECURED	34.55	11,855.57	4,096.10	.00
06	BANK OF LOUISIANA	UNSECURED	34.55	1,910.08	659.91	.00
07	JULES FONTANA ATTY	NOTICE ONLY	.00	.00	.00	.00
08	CHASE BANKCARD SERVICES	UNSECURED	34.55	.00	.00	.00
09	CITIBANK	UNSECURED	34.55	.00	.00	.00
10	RESURGENT CAPITAL SERVICES	UNSECURED	34.55	21,227.06	7,333.95	.00
11	CITIFINANCIAL INC	UNSECURED	34.55	17,711.95	6,119.27	.00
12	CITIFINANCIAL INVESTMENT	NOTICE ONLY	.00	.00	.00	.00
13	EDWARD F BUKATY III	NOTICE ONLY	.00	.00	.00	.00
14	DILLARD NATIONAL BANK	UNSECURED	34.55	5,033.55	1,739.09	.00
15	DILLARD NATIONAL BANK	UNSECURED	34.55	597.88	206.57	.00
16	DISCOVER FINANCIAL SERVICES	UNSECURED	34.55	22,648.41	7,822.26	.00
17	AOL VISA	UNSECURED	34.55	.00	.00	.00
18	FIRST USA	UNSECURED	34.55	.00	.00	.00
19	JC PENNEY/MONOGRAM	UNSECURED	34.55	.00	.00	.00
20	MAX FLOW CORP	UNSECURED	34.55	5,386.54	1,861.05	.00
21	MAX FLOW CORP	UNSECURED	34.55	30,931.02	10,686.67	.00
22	MAX FLOW CORP	UNSECURED	34.55	29,443.71	10,172.80	.00
23	REGIONS BANK	UNSECURED	34.55	5,158.98	1,782.43	.00
25	DILLARD NATIONAL BANK	UNSECURED	34.55	251.54	86.91	.00

Paid to Trustee:	$ 3,274.29	Disbursed to PRIORITY Creditors:	$ .00
Paid to Attorney:	$ 1,750.00	Disbursed to SECURED Creditors:	$ .00
Refunded to Debtor:	$ 8.70	Disbursed to UNSECURED Creditors:	$ 52,567.01

cc: CLAUDE C LIGHTFOOT JR
STE 450
3500 N CAUSEWAY BLVD
METAIRIE LA 70002

S. J. Beaulieu, Jr.
Chapter 13 Trustee

Certificate of Service
I hereby certify that a copy of the foregoing pleading was mailed this date to all parties of interest herein, including:
Debtor ✓ Atty ✓
Creditor Employer
S J Beaulieu, Jr Trustee
By: [illegible] Date 4/1/04

SC00028

HP Exhibit 136

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B18W (12/03)

United States Bankruptcy Court

Eastern District of Louisiana

Case No. 01-12363

In re: Debtor(s) (name(s) used by the debtor(s) in the last 6 years, including married, maiden, trade, and address):

Gabriel T. Porteous
4801 Neyrey Drive
Metairie, LA 70002-1723

Carmella A. Porteous
4801 Neyrey Drive
Metairie, LA 70002-1723

Social Security No.:

Employer's Tax I.D. No.:

DISCHARGE OF DEBTOR AFTER COMPLETION OF CHAPTER 13 PLAN

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 1328(a) of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: 7/22/04

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

FMV 266000.00

Mort. 158278.13

RE Comm. 12640.00
Closing 1000.00

H/E 25000.00

69081.87

Trustee Comm. 16,550.00

52531.87

UNS 187,573.37

.28%

MEMORANDUM OF CALL

Previous editions usable

TO:

☐ YOU WERE CALLED BY— ☒ YOU WERE VISITED BY—

OF (Organization)

☐ PLEASE PHONE ☎ (Area code) (If necessary) ☐ DSN

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☒ WISHES AN APPOINTMENT

MESSAGE:

P.O. Box 1723

Harvey, La.

70058-1723

RECEIVED BY | DATE | TIME

NSN 7540-00-634-4018
5043-111
UNICOR FPI-EST

OPTIONAL FORM 283 (Rev. 9-90)
General Services Administration

CL 0002

Bills and Invoices #2

SC00643

6-11-01 Conference Call w/ Judge William R. Greendyke

Trustee's Objection to Confirmation
1) % too low for equity in property
2) Expenses Excessive: Food
clothing
Medical
Charity
Tuition

Modified Plan + Amended Schedule F

1) Increased Plan Payment from
875.00 to 1600.00
% from 14.63 to 27.51

2) Food reduced from 750 to 450
clothing reduced from 525 to 200
Medical Supported by dental work for W.
and check register review
Charity – $20.00 per week at Mess
Tuition – No tuition paid – only
partial room for shared
apartment + board

File Affidavit for fees w/in 10 days.

LAW AND NOTARIAL OFFICES
CLAUDE C. LIGHTFOOT, JR., P. C.
A PROFESSIONAL LAW CORPORATION
3500 N. CAUSEWAY BOULEVARD, SUITE 450
METAIRIE, LOUISIANA 70002
(504) 836-8571
FAX: (504) 836-8572

PARALEGALS
ANDREA V. TIMPA

VICKI C. OWENS

BANKRUPTCY WORKSHEETS

Dear Client:

The decision to file for bankruptcy is not an easy one. Usually, bankruptcy is the last resort for those suffering financial hardship.

Though it may be difficult to answer the personal questions in these worksheets, we need your answers to properly complete the bankruptcy documents and to properly advise you of your rights and responsibilities. As with all communication between us and you as our client, the information you supply is confidential. Never keep information from us because you are afraid or embarrassed. To properly represent you we must have all the facts.

AFTER COMPLETION OF THESE WORKSHEETS, PLEASE BRING THEM INTO OUR OFFICE WITH YOUR FEE AND THE FOLLOWING DOCUMENTS:

FOR CHAPTER 13:

- ☐ Mortgage Documents for your home
- ☐ An average paycheck stub for each job you hold
- ☐ The last monthly statements for all of your debts
- ☐ All documents concerning any legal action against you
- ☐ All contracts between you and any personal injury lawyer

FOR CHAPTER 7:

- ☐ Mortgage Documents for your home
- ☐ An average paycheck stub for each job you hold
- ☐ The last monthly statements for all of your debts
- ☐ All documents concerning any legal action against you
- ☐ Copies of your last two federal and state income tax returns

CHECK ONE:

- ☐ This will be an Individual Bankruptcy (only one person filing)
- ☐ This will be a Joint Bankruptcy (both you and spouse are filing)

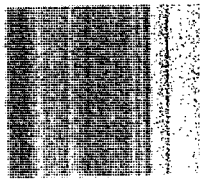
Howdid you hear about us? ____ Yellow Pages, ____ Sunshine Pages, or ____ Friend

The fees required are as follows:

Attorney's Fee:	$_____
Filing Fee:	$_____
TOTAL DUE:	$_____

CL 0004

Bills and Invoices #3



HP Ex. 138(b)

SC00645

PERSONAL INFORMATION

FULL NAME:
GABRIEL (FIRST) T. (MIDDLE) PORTEOUS, JR. (LAST)

SOCIAL SECURITY NO.: [redacted]

SEX: M

MARITAL STATUS:
☒MARRIED ☐SINGLE ☐DIVORCED
☐SEPARATED ☐WIDOWED

MAILING ADDRESS:
4801 NEYREY DR.
MET., LA.

PHYSICAL (RESIDENCE) ADDRESS:
SAME

PARISH OF RESIDENCE: JEFFERSON

HOME TELEPHONE:
(504) 455-5879

WORK TELEPHONE:
(504) 589-7585

OTHER NAMES USED IN THE LAST SIX (6) YEARS:
G. THOMAS PORTEOUS, JR.

HAVE YOU FILED FOR BANKRUPTCY BEFORE?
☐ YES ☒NO
NAME OF FILER(S):
CASE NO. & CHAPTER:
LOCATION & DATE OF FILING:

ARE YOUR PARENTS DECEASED?
☒YES ☐ NO

DID THEY OWN ANY PROPERTY?
☐ YES ☐ NO

DO YOU HAVE AN INTEREST IN ANY SUCCESSION (INHERITANCE) PROPERTY? IF YES, PLEASE LIST THE ADDRESS OF THE PROPERTY AND YOUR INTEREST IN SAME (i. e. ½, ¼)

SPOUSE'S FULL NAME:
CARMELLA (FIRST) A. (MIDDLE) PORTEOUS (LAST)

SOCIAL SECURITY NO.: [redacted]

SEX: F

MARITAL STATUS:
☒MARRIED ☐SINGLE ☐DIVORCED
☐SEPARATED ☐WIDOWED

MAILING ADDRESS:
ABOVE

PHYSICAL (RESIDENCE) ADDRESS:

PARISH OF RESIDENCE: JEFFERSON

HOME TELEPHONE:
ABOVE

WORK TELEPHONE:

OTHER NAMES USED IN THE LAST SIX (6) YEARS:

HAVE YOU FILED FOR BANKRUPTCY BEFORE?
☐ YES ☐ NO
NAME OF FILER(S):
CASE NO. & CHAPTER:
LOCATION & DATE OF FILING:

ARE YOUR PARENTS DECEASED?
☐ YES ☒NO

DID THEY OWN ANY PROPERTY?
☒YES ☐ NO

DO YOU HAVE AN INTEREST IN ANY SUCCESSION (INHERITANCE) PROPERTY? IF YES, PLEASE LIST THE ADDRESS OF THE PROPERTY AND YOUR INTEREST IN SAME (i. e. ½, ¼)

CL 0005

CLASSES OF CREDITORS

PLEASE READ THIS INFORMATION COMPLETELY TO DETERMINE THE PROPER CATEGOARY FOR LISTING OF YOUR DEBTS ON THE FOLLOWING PAGES:

SECURED DEBTS

A secured creditor is a person or company that has a mortgage or security interest in a piece of your property. All secured creditors must be listed whether or not you are current on the payments.

SECURED DEBTS INCLUDE:

Family Home Mortgages

Family Home Equity or Improvement Loans

Motor Vehicle Loans

Furniture or Appliance Loan within 6 months

Recorded Judgments or Tax Liens

PRIORITY DEBTS

These debts must be listed and must be paid in full through the Chapter 13 Plan, or in Chapter 7 cases, these debts are usually non-dischargeable.

PRIORITY DEBTS INCLUDE:

Income Taxes owed to the state or IRS

Property Taxes

Employment Taxes

Child Support or Alimony Arrears

UNSECURED DEBTS

All unsecured debts must be listed to assure fair treatment to the entire class. These are the garden variety of creditors who have no mortgage interest.

UNSECURED DEBTS INCLUDE:

Open Accounts

Credit Cards

Medical Bills

Loans from Family Members

Student Loans

Claims against you in Auto Accidents (without a recorded Judgment)

Signature or Personal Loans from Finance Companies

Credit Union Loans (even if deducted from your payroll check)

PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS:

1. HAVE YOU OR YOUR SPOUSE MADE A CLAIM FOR OR FILED A LAW SUIT FOR DAMAGES OR PERSONAL INJURIES THAT HAS NOT YET BEEN SETTLED? ☐ YES ☒ NO

   IF YES, GIVE DETAILS AND THE NAME, ADDRESS & TELEPHONE NUMBER OF YOUR ATTORNEY HANDLING THE CLAIM:_____

2. HAS ANY OF YOUR PROPERTY OR WAGES, OR THAT OF YOUR SPOUSE, BEEN ATTACHED, GARNISHED OR SEIZED WITHIN THE LAST YEAR? ☐ YES ☒ NO

   IF YES, GIVE DETAILS BELOW AND BRING ALL DOCUMENTS SERVED UPON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:_____

3. HAVE YOU OR YOUR SPOUSE TRANSFERRED PROPERTY OF ANY KIND WITHIN THE LAST YEAR TO SOMEONE ELSE (this includes donations, gifts, sales and any other transfers of property)? ☒ YES ☐ NO

   IF YES, PLEASE PROVIDE THE FOLLOWING:

NAME & ADDRESS OF PERSON TRANSFERRED TO	RELATIONSHIP TO YOU	DESCRIPTION OF PROPERTY & DATE TRANSFERRED	VALUE RECEIVED
Catherine Porteous	Daughter	1996 Honda Civic August, 2000	Tax, Title & License $9900
			check value

4. HAVE YOU OR YOUR SPOUSE CLOSED ANY BANK ACCOUNTS WITHIN THE LAST YEAR (this includes checking, savings, retirement, etc.)? ☐ YES ☒ NO

NAME & ADDRESS OF BANK	ACCOUNT NO. & TYPE	DATE ACCOUNT CLOSED	AMOUNT RECEIVED AT TIME OF CLOSING

DO YOU OWN OR HAVE AN INTEREST IN ANY OF THE FOLLOWING ITEMS? IF SO PLEASE GIVE THE VALUE OF THE ITEM AND ALL OTHER DETAILS BELOW:

INSURANCE POLICIES:

_____

_____

Current Market Value $_____

STOCK INTERESTS:

_____

_____

Current Market Value $_____

PARTNERSHIP INTERESTS:

_____

_____

Current Market Value $_____

GOVERNMENT OR CORPORATE BONDS:

_____

_____

Current Market Value $_____

ACCOUNTS RECEIVABLE:

_____

_____

Current Market Value $_____

PATENTS OR COPYRIGHTS:

_____

_____

Current Market Value $_____

LICENSES OR FRANCHISES:

_____

_____

Current Market Value $_____

OTHER RECEIVABLES (TAX REFUNDS):

_____

_____

Current Market Value $_____

ANY OTHER RIGHTS OR INTERESTS TO WHICH YOU ARE ENTITLED:

_____

_____

Current Market Value $_____

ANY OTHER RIGHTS OR INTERESTS TO WHICH YOU ARE ENTITLED:

_____

_____

Current Market Value $_____

PLEASE LIST THE MARKET VALUE FOR THE FOLLOWING ITEMS (INDICATE THE VALUE AT $0 IF NONE EXIST):

1. CASH ON HAND: $ 2000
2. SECURITY DEPOSITS: $
3. HOME FURNISHINGS: $ 20 000
4. BOOKS, PICTURES, ART, STAMP, COIN, AND OTHER COLLECTIONS: $
5. CLOTHING: $ 3000
6. JEWELRY: Wedd. Ring Val. 1980 Ladies Steel + Gold Rolex $ 1000
7. FIREARMS: 1 Rifle $ 200
8. AIRCRAFT & ACCESSORIES: $
9. OFFICE FURNITURE & EQUIPMENT: $
10. MACHINERY, FIXTURES, EQUIPMENT AND SUPPLIES: $
11. INVENTORY: $
12. LIVESTOCK, ETC: $
13. CROPS: $
14. FARMING EQUIPMENT: $
15. FARM SUPPLIES: $
16. FAMILY SUPPORT YOU RECEIVE: $
17. SAFE DEPOSIT BOXES (GIVE CONTENTS AND LOCATION):

OTHER PERSONAL PROPERTY NOT LISTED ABOVE (GIVE ESTIMATED VALUE):

CL 0009

PROPERTY QUESTIONS

REAL ESTATE:

FAMILY HOME ADDRESS:

VALUE: $

RENTAL PROPERTY:

VALUE: $

UNIMPROVED LAND:

VALUE: $

ANY OTHER REAL ESTATE:

VALUE: $

AUTOMOBILES:

MAKE: Jeep Cherokee
MODEL:
YEAR: 2000
VALUE: Lease
DOORS: CYLINDER:

MAKE: Jeep Cherokee
MODEL:
YEAR: 2000
VALUE: Lease
DOORS: CYLINDER:

MAKE:
MODEL:
YEAR:
VALUE:
DOORS: CYLINDER:

MAKE:
MODEL:
YEAR:
VALUE:
DOORS: CYLINDER:

BOATS, BOAT MOTORS & TRAILERS:

MAKE:
MODEL:
YEAR:
VALUE:

MAKE:
MODEL:
YEAR:
VALUE:

CHECKING ACCOUNT:

BANK: Bank One
ACCOUNT NO.: [redacted]
BALANCE:

SAVINGS ACCOUNT:

BANK:
ACCOUNT NO.:
BALANCE:

CREDIT UNION ACCOUNT:

BANK:
ACCOUNT NO.:
BALANCE:

CERTIFICATES OF DEPOSIT:

BANK:
ACCOUNT NO.:
BALANCE:

PENSION, PROFIT SHARING, 401K RETIREMENT PLANS:

BANK: Fidelity Investments 401k
ACCOUNT NO.: [redacted]
BALANCE: 19500.27
How much money did you personally put into the plan in the last year?
$ None

LIST ANY LEASES:

LESSOR:
ADDRESS:

ITEM LEASED:
Do you wish to continue this lease?
☐ YES ☐ NO

CL 0010

SC00651

SECURED DEBTS

FAMILY HOME FIRST MORTGAGE:

PROPERTY ADDRESS

Fidelity
CREDITOR'S NAME

ACCOUNT NUMBER

CREDITOR'S ADDRESS

CO-SIGNOR (IF ANY)

CITY, STATE AND ZIP CODE

CO-SIGNOR'S ADDRESS

CREDITOR'S PHONE NUMBER

CITY, STATE AND ZIP CODE

LOAN INFORMATION:

YEAR DEBT INCURRED

DUE DATE

$ ESTIMATED PRINCIPAL BALANCE

$ MONTHLY PAYMENT

$ ESTIMATED ARREARAGE

THROUGH

$ CURRENT MARKET VALUE OF PROPERTY

FOR OFFICE USE ONLY

Confirmed Figures

Principal Balance: $

Arrearage: $

Monthly Payment: $

Due Date:

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY? IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

TELEPHONE NUMBER

IS THERE A FORECLOSURE PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

SECURED DEBTS

FAMILY HOME SECOND MORTGAGE:

PROPERTY ADDRESS

Bank One
CREDITOR'S NAME

ACCOUNT NUMBER

CREDITOR'S ADDRESS

CO-SIGNOR (IF ANY)

CITY, STATE AND ZIP CODE

CO-SIGNOR'S ADDRESS

CREDITOR'S PHONE NUMBER

CITY, STATE AND ZIP CODE

LOAN INFORMATION:

YEAR DEBT INCURRED

DUE DATE

$ ESTIMATED PRINCIPAL BALANCE

$ MONTHLY PAYMENT

$ ESTIMATED ARREARAGE

THROUGH

$ CURRENT MARKET VALUE OF PROPERTY

FOR OFFICE USE ONLY

Confirmed Figures

Principal Balance: $

Arrearage: $

Monthly Payment: $

Due Date:

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY? IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

TELEPHONE NUMBER

IS THERE A FORECLOSURE PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

SECURED DEBTS

OTHER REAL ESTATE MORTGAGE:

PROPERTY ADDRESS

Lien Position: 1ST 2ND 3RD
CIRCLE ONE

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

CREDITOR'S PHONE NUMBER

ACCOUNT NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

LOAN INFORMATION:

YEAR DEBT INCURRED

DUE DATE

$_____
ESTIMATED PRINCIPAL BALANCE

$_____
MONTHLY PAYMENT

$_____
ESTIMATED ARREARAGE

THROUGH

$_____
CURRENT MARKET VALUE OF PROPERTY

FOR OFFICE USE ONLY

Confirmed Figures

Principal Balance: $_____

Arrearage: $_____

Monthly Payment: $_____

Due Date: _____

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY? IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

TELEPHONE NUMBER

IS THERE A FORECLOSURE PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

SECURED DEBTS

OTHER REAL ESTATE MORTGAGE:

PROPERTY ADDRESS

Lien Position: 1ST 2ND 3RD
CIRCLE ONE

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

CREDITOR'S PHONE NUMBER

ACCOUNT NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

LOAN INFORMATION:

YEAR DEBT INCURRED

DUE DATE

$_____ ESTIMATED PRINCIPAL BALANCE

$_____ MONTHLY PAYMENT

$_____ ESTIMATED ARREARAGE

THROUGH

$_____ CURRENT MARKET VALUE OF PROPERTY

FOR OFFICE USE ONLY

Confirmed Figures

Principal Balance: $_____

Arrearage: $_____

Monthly Payment: $_____

Due Date: _____

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY? IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

TELEPHONE NUMBER

IS THERE A FORECLOSURE PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

CL 0014

SECURED DEBTS

OTHER REAL ESTATE MORTGAGE:

PROPERTY ADDRESS

Lien Position: 1ST 2ND 3RD
CIRCLE ONE

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

CREDITOR'S PHONE NUMBER

ACCOUNT NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

LOAN INFORMATION:

YEAR DEBT INCURRED

DUE DATE

$_____
ESTIMATED PRINCIPAL BALANCE

$_____
MONTHLY PAYMENT

$_____
ESTIMATED ARREARAGE

THROUGH

$_____
CURRENT MARKET VALUE OF PROPERTY

FOR OFFICE USE ONLY

Confirmed Figures

Principal Balance: $_____

Arrearage: $_____

Monthly Payment: $_____

Due Date: _____

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY? IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

TELEPHONE NUMBER

IS THERE A FORECLOSURE PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

SECURED DEBTS

AUTOMOBILE MORTGAGE:

MAKE, MODEL AND YEAR OF VEHICLE

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

CREDITOR'S PHONE NUMBER

ACCOUNT NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

LOAN INFORMATION:

YEAR DEBT INCURRED

DUE DATE

$_____ ESTIMATED PRINCIPAL BALANCE

$_____ MONTHLY PAYMENT

$_____ ESTIMATED ARREARAGE

THROUGH

$_____ CURRENT MARKET VALUE OF VEHICLE

FOR OFFICE USE ONLY

Confirmed Figures

Principal Balance: $_____

Arrearage: $_____

Monthly Payment: $_____

Due Date: _____

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY? IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

TELEPHONE NUMBER

IS THERE A REPOSSESSION PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

CL 0016

SECURED DEBTS

AUTOMOBILE MORTGAGE:

MAKE, MODEL AND YEAR OF VEHICLE

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

CREDITOR'S PHONE NUMBER

ACCOUNT NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

LOAN INFORMATION:

YEAR DEBT INCURRED

DUE DATE

$_____ ESTIMATED PRINCIPAL BALANCE

$_____ MONTHLY PAYMENT

$_____ ESTIMATED ARREARAGE

THROUGH

$_____ CURRENT MARKET VALUE OF VEHICLE

FOR OFFICE USE ONLY

Confirmed Figures

Principal Balance: $_____

Arrearage: $_____

Monthly Payment: $_____

Due Date: _____

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY? IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

TELEPHONE NUMBER

IS THERE A REPOSSESSION PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

CL 0017

SECURED DEBTS

AUTOMOBILE MORTGAGE:

MAKE, MODEL AND YEAR OF VEHICLE

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

CREDITOR'S PHONE NUMBER

ACCOUNT NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

LOAN INFORMATION:

YEAR DEBT INCURRED

OAS DATE

$ ESTIMATED PRINCIPAL BALANCE

$ MONTHLY PAYMENT

$ ESTIMATED ARREARAGE

THROUGH

$ CURRENT MARKET VALUE OF VEHICLE

FOR OFFICE USE ONLY

Confirmed Figures

Principal Balance: $

Arrearage: $

Monthly Payment: $

Due Date:

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY? IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

TELEPHONE NUMBER

IS THERE A REPOSSESSION PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

CL 0018

SC00659

PRIORITY DEBTS

FEDERAL TAX DEBTS:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TAX YEARS

TYPE OF DEBT:

☐ INCOME TAXES ☐ FICA (941 TAXES)
☐ EMPLOYMENT TAXES ☐ OTHER_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS A LIEN BEEN RECORDED?
☐ YES ☐ NO
IF YES, PLEASE PROVIDE AMOUNT & DATE OF INSCRIPTION AND RETURN A COPY OF NOTIFICATION OF THE LIEN:

ACCOUNT NUMBER

$_____
ESTIMATED BALANCE OWED

FOR OFFICE USE ONLY
Confirmed Figures

Principal Balance: $_____

Priority Amount: $_____

Secured Amount: $_____

Unsecured Amount: $_____

Tax Years: _____

IS THERE A LEVY AGAINST YOUR WAGES?
☐ YES ☐ NO
IF YES, PLEASE PROVIDE DETAILS BELOW:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TAX YEARS

TYPE OF DEBT:

☐ INCOME TAXES ☐ FICA (941 TAXES)
☐ EMPLOYMENT TAXES ☐ OTHER_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS A LIEN BEEN RECORDED?
☐ YES ☐ NO
IF YES, PLEASE PROVIDE AMOUNT & DATE OF INSCRIPTION AND RETURN A COPY OF NOTIFICATION OF THE LIEN:

ACCOUNT NUMBER

$_____
ESTIMATED BALANCE OWED

FOR OFFICE USE ONLY
Confirmed Figures

Principal Balance: $_____

Priority Amount: $_____

Secured Amount: $_____

Unsecured Amount: $_____

Tax Years: _____

IS THERE A LEVY AGAINST YOUR WAGES?
☐ YES ☐ NO
IF YES, PLEASE PROVIDE DETAILS BELOW:

PRIORITY DEBTS

STATE TAX DEBTS:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TAX YEARS

TYPE OF DEBT:

☐ INCOME TAXES ☐ SALES TAX
☐ EMPLOYMENT TAXES ☐ OTHER_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS A LIEN BEEN RECORDED?
☐ YES ☐ NO
IF YES, PLEASE PROVIDE AMOUNT & DATE OF INSCRIPTION AND RETURN A COPY OF NOTIFICATION OF THE LIEN:

ACCOUNT NUMBER

$_____
ESTIMATED BALANCE OWED

FOR OFFICE USE ONLY
Confirmed Figures

Principal Balance: $_____

Priority Amount: $_____

Secured Amount: $_____

Unsecured Amount: $_____

Tax Years: _____

IS THERE A LEVY AGAINST YOUR WAGES?
☐ YES ☐ NO
IF YES, PLEASE PROVIDE DETAILS BELOW:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TAX YEARS

TYPE OF DEBT:

☐ INCOME TAXES ☐ SALES TAX
☐ EMPLOYMENT TAXES ☐ OTHER_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS A LIEN BEEN RECORDED?
☐ YES ☐ NO
IF YES, PLEASE PROVIDE AMOUNT & DATE OF INSCRIPTION AND RETURN A COPY OF NOTIFICATION OF THE LIEN:

ACCOUNT NUMBER

$_____
ESTIMATED BALANCE OWED

FOR OFFICE USE ONLY
Confirmed Figures

Principal Balance: $_____

Priority Amount: $_____

Secured Amount: $_____

Unsecured Amount: $_____

Tax Years: _____

IS THERE A LEVY AGAINST YOUR WAGES?
☐ YES ☐ NO
IF YES, PLEASE PROVIDE DETAILS BELOW:

PRIORITY DEBTS

PARISH OR CITY TAX DEBTS:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TAX YEARS

TYPE OF DEBT:
☐ PROPERTY TAXES - Please give property address:

☐ OTHER

WHO INCURRED DEBT?:
☐ HUSBAND ☐ WIFE

HAS A LIEN BEEN RECORDED?
☐ YES ☐ NO
IF YES, PLEASE PROVIDE AMOUNT & DATE OF INSCRIPTION AND RETURN A COPY OF NOTIFICATION OF THE LIEN:

ACCOUNT NUMBER

$
ESTIMATED BALANCE OWED

FOR OFFICE USE ONLY
Confirmed Figures

Principal Balance: $

Priority Amount: $

Secured Amount: $

Unsecured Amount: $

Tax Years:

IS THERE A LEVY AGAINST YOUR WAGES?
☐ YES ☐ NO
IF YES, PLEASE PROVIDE DETAILS BELOW:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TAX YEARS

TYPE OF DEBT:
☐ PROPERTY TAXES - Please give property address:

☐ OTHER

WHO INCURRED DEBT?:
☐ HUSBAND ☐ WIFE

HAS A LIEN BEEN RECORDED?
☐ YES ☐ NO
IF YES, PLEASE PROVIDE AMOUNT & DATE OF INSCRIPTION AND RETURN A COPY OF NOTIFICATION OF THE LIEN:

ACCOUNT NUMBER

$
ESTIMATED BALANCE OWED

FOR OFFICE USE ONLY
Confirmed Figures

Principal Balance: $

Priority Amount: $

Secured Amount: $

Unsecured Amount: $

Tax Years:

IS THERE A LEVY AGAINST YOUR WAGES?
☐ YES ☐ NO
IF YES, PLEASE PROVIDE DETAILS BELOW:

UNSECURED DEBTS

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____

ESTIMATED BALANCE OF ACCOUNT

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN

☐ PERSONAL LOAN ☐ MEDICAL BILL

☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____

ESTIMATED BALANCE OF ACCOUNT

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN

☐ PERSONAL LOAN ☐ MEDICAL BILL

☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

UNSECURED DEBTS

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN

☐ PERSONAL LOAN ☐ MEDICAL BILL

☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____

ESTIMATED BALANCE OF ACCOUNT

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN

☐ PERSONAL LOAN ☐ MEDICAL BILL

☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____

ESTIMATED BALANCE OF ACCOUNT

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

UNSECURED DEBTS

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN

☐ PERSONAL LOAN ☐ MEDICAL BILL

☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____

ESTIMATED BALANCE OF ACCOUNT

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN

☐ PERSONAL LOAN ☐ MEDICAL BILL

☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____

ESTIMATED BALANCE OF ACCOUNT

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

UNSECURED DEBTS

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN

☐ PERSONAL LOAN ☐ MEDICAL BILL

☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____

ESTIMATED BALANCE OF ACCOUNT

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN

☐ PERSONAL LOAN ☐ MEDICAL BILL

☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____

ESTIMATED BALANCE OF ACCOUNT

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

UNSECURED DEBTS

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN

☐ PERSONAL LOAN ☐ MEDICAL BILL

☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____

ESTIMATED BALANCE OF ACCOUNT

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN

☐ PERSONAL LOAN ☐ MEDICAL BILL

☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____

ESTIMATED BALANCE OF ACCOUNT

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

UNSECURED DEBTS

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____

ESTIMATED BALANCE OF ACCOUNT

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN

☐ PERSONAL LOAN ☐ MEDICAL BILL

☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____

ESTIMATED BALANCE OF ACCOUNT

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN

☐ PERSONAL LOAN ☐ MEDICAL BILL

☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

UNSECURED DEBTS

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____
ESTIMATED BALANCE OF ACCOUNT

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN
☐ PERSONAL LOAN ☐ MEDICAL BILL
☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

CREDITOR'S NAME

CREDITOR'S ADDRESS

CITY, STATE AND ZIP CODE

ACCOUNT NUMBER

CREDITOR'S PHONE NUMBER

CO-SIGNOR (IF ANY)

CO-SIGNOR'S ADDRESS

CITY, STATE AND ZIP CODE

PERIOD OVER WHICH DEBT WAS INCURRED

$_____
ESTIMATED BALANCE OF ACCOUNT

TYPE OF DEBT:

☐ CREDIT CARD ☐ STUDENT LOAN
☐ PERSONAL LOAN ☐ MEDICAL BILL
☐ OPEN ACCOUNT ☐ OTHER:_____

WHO INCURRED DEBT?:

☐ HUSBAND ☐ WIFE

HAS THIS ACCOUNT BEEN REFERRED TO AN ATTORNEY OR COLLECTION AGENCY?
IF YES, PLEASE COMPLETE THE FOLLOWING:

ATTORNEY/COLLECTION AGENCY'S NAME

ADDRESS

CITY, STATE AND ZIP CODE

IS THERE A GARNISHMENT PENDING ON THIS ACCOUNT? IF YES, PLEASE PROVIDE DETAILS BELOW AND RETURN ALL DOCUMENTS SERVED ON YOU OR YOUR EMPLOYER BY THE SHERIFF OR CONSTABLE TO THIS OFFICE:

AUTHORIZATION TO RELEASE LOAN INFORMATION

The below named individual(s) hereby authorize _____ to release the following information in regards to my account to Claude C. Lightfoot, Jr. or a representative from his office:

Principal Balance	$
Payoff Balance	$
Date Payments are Due	
Monthly Payment Amount	$
Amount Past Due including Attorney Fees and court costs	$

Authorization to release above information.

_____ _____

Law and Notarial Offices
Claude C. Lightfoot, Jr., P. C.
A Professional Law Corporation
Executive Tower - Suite 450
3500 N. Causeway Boulevard
Metairie, Louisiana 70002

Paralegals
Andrea V. Timpa
Vicki C. Owens

(504) 838-8571
Fax: (504) 838-8572
E-Mail: ccl.jr@worldnet.att.net

CONTRACT FOR REPRESENTATION IN CHAPTER 13 BANKRUPTCY

By signing this contract, I/we agree to the terms of the General Information for Chapter 13 Debtors statement and statement of Attorney's Fees contained therein, which we have received and reviewed. I/we agree to abide by all the Instructions contained therein as well as with the provisions for representation and for fees. Our signatures and execution makes this our contract for representation in this case by the law firm of Claude C. Lightfoot, Jr., P. C.

Dated this _____ day of _____, 2000.

_____
Client

_____
Client

INCOME INFORMATION

HUSBAND (OR SINGLE FILER):

U.S. Govt
EMPLOYER'S NAME

OCCUPATION

SEC T
500 CAMP ST
ADDRESS

HOW LONG HAVE YOU BEEN EMPLOYED THERE?

N.O., LA. 70130
CITY, STATE AND ZIP CODE

HOW OFTEN ARE YOU PAID?
☒ Monthly ☐ Weekly
☐ Bi-Weekly ☐ Bi-Monthly

WHAT IS THE MONTHLY TOTAL YOU RECEIVE AFTER ALL DEDUCTIONS AND TAXES ARE TAKEN OUT OF YOUR PAY CHECK? Approx $7900/mo.

WIFE:

EMPLOYER'S NAME

OCCUPATION

ADDRESS

HOW LONG HAVE YOU BEEN EMPLOYED THERE?

CITY, STATE AND ZIP CODE

HOW OFTEN ARE YOU PAID?
☐ Monthly ☐ Weekly
☐ Bi-Weekly ☐ Bi-Monthly

WHAT IS THE MONTHLY TOTAL YOU RECEIVE AFTER ALL DEDUCTIONS AND TAXES ARE TAKEN OUT OF YOUR PAY CHECK? $_____

OTHER INCOME RECEIVED:

Rental Income	$_____	Pension	$_____
Social Security	$_____	Alimony	$_____
Food Stamps	$_____	Child Support	$_____
Disability/SSI	$_____	Part Time Jobs	$_____
Welfare	$_____		

TOTAL JOINT MONTHLY INCOME: $_____

PLEASE GIVE YOUR JOINT GROSS INCOME FROM EMPLOYMENT (THIS IS THE AMOUNT LISTED ON YOUR TAX RETURNS OR W-2's) FOR THE FOLLOWING YEARS:

2000 year to date: $_____

1999: $_____

1998: $_____

PLEASE GIVE YOUR JOINT GROSS INCOME FROM ANY OTHER SOURCES (PLEASE SPECIFY THE SOURCE) FOR THE FOLLOWING YEARS:

2000 year to date $_____ _____ SOURCE

1999: $_____ _____ SOURCE

1998: $_____ _____ SOURCE

MONTHLY EXPENSES

PLEASE LIST ALL DEPENDANTS BELOW:

NAME	AGE	RELATIONSHIP
CATHERINE A. PORTEOUS	19	DAUGHTER

PLEASE GIVE THE AMOUNT YOU PAY MONTHLY FOR EACH OF THE FOLLOWING EXPENSES:

Rent/First Mortgage $ 1429

Second Mortgage $ 495

Third Mortgage $

Electricity/Gas $ 350

Water/Sewerage $ ~~50~~ 90

Telephone $ ~~70~~ 200

Food $ 450

Clothing $ 200

Laundry/Cleaning $ 150 ~~100~~ ~~100~~ ~~150~~

Medical/Dental $ ~~150~~ 300

Other Expense $ ~~275~~
Description: ~~Rent For College Daughter~~

280 Rent
140 Food Plan
66 Books
200 Misc. (Supplies, Fees, etc.)
Telephone
686

Homeowner's or Renter's Insurance $

Life Insurance $

Health Insurance $

Auto Insurance $ ~~300~~ 200

Gas (Car) Expense $ ~~200~~ 250

Car-1 Note $ 330

Car-2 Note $ 330

Child Care Expense $
Cable

~~Child Support Paid~~ $ 45
Home Maint.

Alimony Paid Out $ 200

Other Expense $ ~~800~~
Description:

~~ENTERTAINMENT & SPENDING MONEY~~
~~CABLE~~ ~~45~~

FOR OFFICE USE ONLY

Recapitulation

Income: $

Expenses: $ ~~4469~~ 5169

Disposable: $

Projected Plan:
Payment: $
Months:
Percentage:

SC00673

CL 0031

SC EXHIBIT - 00083

SCHONEKAS, WINSBERG, EVANS & MCGOEY, L.L.C.
TEXACO CENTER
400 POYDRAS STREET, SUITE 1440
NEW ORLEANS, LOUISIANA 70130
TELEPHONE (504) 680-6050
TELECOPIER (504) 680-6051

JOELLE F. EVANS

June 28, 2004

BY HAND
Jerome M. Winsberg
829 Baronne Street
New Orleans, Louisiana 70113

Re: Grand Jury Subpoena

Dear Jerome:

Consistent with the Court's June 21, 2004 Order, Judge Gabriel Thomas Porteous does not request that any documents from Mr. Lightfoot's file be excluded from the production to the United States. We therefore are producing the following documents to the government: CL 0001 – CL 0183.

With kind regards, I remain

Sincerely,

Joelle F. Evans

RECEIVED
JUN 29 2004
PUBLIC INTEGRITY SECTION

JFE/jld
Enclosures
cc: Honorable W. Eugene Davis (w/o enclosures)
Noah D. Bookbinder (w/enclosures)

0684.jfe.jr.winsberg

HP Exhibit 139

United States Bankruptcy Court

Eastern District of Louisiana

RECEIVED OCT 16 2001

01-12363
Case Number

TRUSTEE'S NOTICE OF INTENTION TO PAY CLAIMS

Chapter 13

GABRIEL T PORTEOUS JR
CARMELLA A PORTEOUS

4801 NEYREY DR
METAIRIE LA 70002

Notice is hereby given that the Trustee intends to pay the creditors who have filed timel claims as detailed below, pursuant to 11 USC 502(a). Any party in interest who objects to the payment of any of these claims must file an objection, with service upon the Trustee, the debtor and the claimant, pursuant to FRBP 3007. Absence of a timely filed objection will be construed as approval by the debtor of the claims filed herein.

#	Name	Account Number	Type	Date Filed	Amount	
01	BANK ONE	[redacted]	DIRECT PAY	Apr 17, 2001	.00	
02	CHRYSLER FINANCIAL CORP		DIRECT PAY	May 15, 2001	6,982.57	
03	CHRYSLER FINANCIAL CORP		DIRECT PAY	May 15, 2001	6,979.35	
04	FIDELITY HOMESTEAD		DIRECT PAY	May 09, 2001	109,488.96	
05	BECKET & LEE LLP		UNSECURED	Apr 17, 2001	11,855.57	1185557
06	BANK OF LOUISIANA		UNSECURED	Apr 23, 2001	1,910.00	172423
07	JULES FONTANA ATTY		NOTICE ONLY	Apr 17, 2001	.00	
08	CHASE BANKCARD SERVICES		UNSECURED	NOT FILED	.00	10196.82
09	CITIBANK		UNSECURED	NOT FILED	.00	2395739
10	CITIBANK		UNSECURED	Jun 29, 2001	21,227.05	2077958
11	CITIFINANCIAL		UNSECURED	May 25, 2001	17,711.35	171135
12	CITIFINANCIAL INVESTMENT		NOTICE ONLY	Apr 17, 2001	.00	
13	EDWARD R BUKATY III		NOTICE ONLY	Apr 17, 2001	.00	
14	DILLARD NATIONAL BANK		UNSECURED	Jul 02, 2001	5,033.55	467392
15	DILLARD NATIONAL BANK		UNSECURED	Jul 02, 2001	597.88	82413.19
16	DISCOVER FINANCIAL SERVICES		UNSECURED	May 10, 2001	22,640.41	2078326
17	FIRST USA BANK		UNSECURED	NOT FILED	.00	606824
18	FIRST USA		UNSECURED	NOT FILED	.00	675242
19	JC PENNEY		UNSECURED	NOT FILED	.00	296028
20	MAX FLOW CORP		UNSECURED	May 21, 2001	5,436.02	321286
21	MAX FLOW CORP		UNSECURED	May 21, 2001	30,931.02	30931.02
22	MAX FLOW CORP		UNSECURED	May 21, 2001	29,443.71	29443.71
23	REGIONS BANK		UNSECURED	Aug 06, 2001	5,158.98	5000.00
24	ROBIN RONQUILLO DE LEO		NOTICE ONLY	Apr 25, 2001	.00	
25	DILLARD NATIONAL BANK		UNSECURED	Jul 02, 2001	251.54	0

36 months
18%

cc: CLAUDE C LIGHTFOOT JR
STE 450
3500 N CAUSEWAY BLVD
METAIRIE LA 70002

S J. Beaulieu Jr.
Chapter 13 Trustee

October 4, 2001

CL 0033

Pleadings #1

CLAUDE C. LIGHTFOOT, JR., P.C.
Suite 450
3500 North Causeway Boulevard
Metairie, LA 70002

Gabriel T. Porteous, Jr. and Carmella A. Porteous
4801 Neyrey Drive
Metairie LA 70002

Invoice submitted through: June 18, 2001

In reference to: In re: Gabriel T. and Carmella A. Porteous, United States Bankruptcy Court 01-12363

PROFESSIONAL SERVICES:

			Hrs/Rate	Amount
7/20/2000	CCL	Conference with Gabriel Porteous to discuss workout and bankruptcy options.	1.50 200.00/hr	300.00
8/1/2000	CCL	Receive and review appraisal of real property and payoff statements on mortgages.	0.50 200.00/hr	100.00
8/14/2000	CCL	Draft correspondence with analysis of debts and assets and including appraisal and payoff statements to all creditors proposing workout agreement.	2.50 200.00/hr	500.00
8/23/2000	CCL	Draft correspondence with list of creditors to Edward Bukaty and Robert Mathis.	0.30 200.00/hr	60.00
8/29/2000	CCL	Receive and review correspondence and new invoices from Gabriel Porteous.	0.20 200.00/hr	40.00
9/25/2000	CCL	Receive and review correspondence from Citibank re: calling to discuss workout.	0.20 200.00/hr	40.00
12/21/2000	CCL	Draft long letter with analysis and workout proposal to American Express Optima.	0.60 200.00/hr	120.00

Gabriel T. Porteous, Jr. and Carmella A. Porteous
Page 2

			Hrs/Rate	Amount
12/21/2000	CCL	Draft long letter with analysis and updated figures to all creditors.	1.40 200.00/hr	280.00
	CCL	Draft correspondence to Gabriel and Carmella Porteous advising status of workout proposal, enclosing copies of various correspondence.	0.30 200.00/hr	60.00
1/5/2001	CCL	Receive and review correspondence from Darryl Fontana to Gabriel Porteous.	0.20 200.00/hr	40.00
2/1/2001	CCL	Draft correspondence to Darryl Fontana with copy of workout proposal to his client, Bank of Louisiana.	0.30 200.00/hr	60.00
	CCL	Draft correspondence to Ed Bukaty with copy of workout proposal.	0.30 200.00/hr	60.00
6/14/2001	CCL	Various conferences with Gabriel Porteous to review new invoices, rework workout proposal figures, etc. between August, 2000 and February, 2001.	6.00 200.00/hr	1,200.00
	CCL	Various telephone conferences with creditors re: whether they had read the workout proposal, who to speak to next, etc. between September, 2000 and February, 2001.	3.00 200.00/hr	600.00
	For professional services rendered:		17.30	$3,460.00
	BALANCE DUE:			**$3,460.00**

Attorney Summary

Name	Hours	Rate	Amount
Claude C. Lightfoot, Jr.	17.30	200.00	$3,460.00

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

IN THE MATTER OF		NUMBER
GABRIEL T. PORTEOUS, JR. and CARMELLA A. PORTEOUS	RECEIVED JUN 04 2001	01-12363
DEBTORS		CHAPTER 13

ORDER OF RECUSAL

It appearing to the undersigned that one of the Debtors in the above-referenced Chapter 13 proceeding is a United States District Court Judge for the Eastern District of Louisiana, and this Court being an adjunct of the United States District Court for the Eastern District of Louisiana,

IT IS ORDERED that the three judges of the United States Bankruptcy Court for the Eastern District of Louisiana, Thomas M. Brahney, III, Jerry A. Brown and T. H. Kingsmill, Jr., be, and they are hereby, RECUSED from Case No. 01-12363.

New Orleans, Louisiana, June 1, 2001.

signed: T. M. Brahney, III

THOMAS M. BRAHNEY, III
UNITED STATES BANKRUPTCY JUDGE

Hon. A. J. McNamara,
Chief Judge, United
States District Court

G. T. & C. A. Porteous

Claude Lightfoot

S. J. Beaulieu, Trustee

United States Trustee

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

FILED
2001 MAY 30 A 8:56
CLERK
UNITED STATES
DISTRICT COURT

IN THE MATTER OF

Gabriel T. Porteous, Jr.
Carmella A. Porteous

DEBTORS

CASE NUMBER 01-12363
Section "A"

CHAPTER 13

MEMORANDUM IN OPPOSITION TO
TRUSTEE'S OBJECTION TO ATTORNEY'S FEES

NOW INTO COURT, comes Claude C. Lightfoot, Jr., counsel for the debtors in the above case, to respond to the trustee's objection to the attorney's fees requested in the Chapter 13 Plan and disclosed in the schedules of this case.

MAY IT PLEASE THE COURT:

This case in fact began many months prior to the filing of the petition on March 28, 2001. Considerable time was spent in July and early August of 2000 in meetings with the debtors and counsel compiling documentation on assets and debts, and developing a workout proposal to the creditors of this case in an effort to avoid the filing of this bankruptcy. A workout proposal containing a schedule of debts and an analysis of assets was mailed to each of the Schedule F creditors on August 14, 2000. When no response was forthcoming in the months after this letter was sent, numerous follow up letters and telephone calls ensued. Finally, after discussions with attorneys for two of the creditors, it became clear that sufficient responses accepting the workout proposal would not be forthcoming. The only two responses were from the attorneys, one of whom was instructed to reject the proposal.

This process required many conferences with the debtors, many drafts of debt and asset

summaries, and many letters to the creditors seeking a response. An additional $750.00 was fixed as the fee for all of this activity, which spanned many months. No fee whatsoever has ever been paid by the debtors, and it was specifically agreed that the charges for the additional workout proposal work would be included in the Chapter 13 Plan for payment, if a bankruptcy filing were required. A review of the correspondence file in preparation for this response has demonstrated that the additional $750.00 fee is well below the amount of time required at this counsel's normal rate of $200.00 per hour.

WHEREFORE, it is requested that the additional fee be granted as sought, to be paid through the Chapter 13 Plan, and that the trustee's objection be overruled.

Respectfully submitted,

CLAUDE C. LIGHTFOOT, JR. P.C.

Claude C. Lightfoot, Jr. (17989)
3500 N. Causeway Blvd.
Suite 450
Metairie, LA 70002
PH: (504) 838-8571
Counsel for Debtors

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing pleading has been served on all parties in interest by placing a copy in the U.S. Mail, postage prepaid, on May 29, 2001, as follows, to wit:

S.J. Beaulieu, Jr.
433 Metairie Road
Suite 515
Metairie, LA 70005

Claude C. Lightfoot, Jr.

good,
final
division
offer objection

(Official Form 1) (9/97)

FORM B1

United States Bankruptcy Court
Eastern District of Louisiana

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Porteous, Jr., Gabriel T.	Name of Joint Debtor (Spouse)(Last, First, Middle): Porteous, Carmella A.
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):
Soc. Sec./Tax I.D. No. (if more than one, state all): [redacted]	Soc. Sec./Tax I.D. No. (if more than one, state all): [redacted]
Street Address of Debtor (No. & Street, City, State & Zip Code): 4801 Neyrey Drive Metairie, LA 70002	Street Address of Joint Debtor (No. & Street, City, State & Zip Code): 4801 Neyrey Drive Metairie, LA 70002
County of Residence or of the Principal Place of Business: Jefferson Parish	County of Residence or of the Principal Place of Business: Jefferson Parish
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):

Location of Principal Assets of Business Debtor (if different from street address above):

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- ☑ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

- ☑ Individual(s)
- ☐ Corporation
- ☐ Partnership
- ☐ Other _____
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker

Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- ☐ Chapter 7
- ☐ Chapter 9
- ☐ Sec. 304 - Case ancillary to foreign proceeding
- ☐ Chapter 11
- ☐ Chapter 12
- ☑ Chapter 13

Nature of Debts (Check one box)

- ☑ Consumer/Non-Business
- ☐ Business

Chapter 11 Small Business (Check all boxes that apply)

- ☐ Debtor is a small business as defined in 11 U.S.C. § 101
- ☐ Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)

Filing Fee (Check one box)

- ☑ Full Filing Fee Attached
- ☐ Filing Fee to be paid in installments (Applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.

Statistical/Administrative Information (Estimates only)

- ☑ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

THIS SPACE IS FOR COURT USE ONLY

Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over
	☐	☑	☐	☐	☐	☐

Estimated Assets	$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	More than $100 million
	☐	☐	☑	☐	☐	☐	☐	☐

Estimated Debts	$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	More than $100 million
	☐	☐	☑	☐	☐	☐	☐	☐

Pleadings #3

(Official Form 1) (9/97)

Voluntary Petition
(This page must be completed and filed in every case)

Name of Debtor(s): Gabriel T. Porteous, Jr.
Carmella A. Porteous

FORM B1, Page 2

Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)

Location Where Filed:	Case Number:	Date Filed:
NONE		

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:	Case Number:	Date Filed:
NONE		
District:	**Relationship:**	**Judge:**

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X Not Applicable
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of Attorney

X _____
Signature of Attorney for Debtor(s)

Claude C. Lightfoot, Jr., LA 17989
Printed Name of Attorney for Debtor(s) / Bar No.

Claude C. Lightfoot, Jr. P.C.
Firm Name

3500 N. Causeway Blvd. Suite 450
Address

Metairie, LA 70002

(504) 838-8571 (fax) (504) 838-857
Telephone Number

Date

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Not Applicable
Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X Not Applicable
Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X _____ Date
Signature of Attorney for Debtor(s)

CL 0043

Form B6
(10/89)

United States Bankruptcy Court
Eastern District of Louisiana

In re Gabriel T. Porteous, Jr. Carmella A. Porteous

Case No.
Chapter 13

SUMMARY OF SCHEDULES

AMOUNTS SCHEDULED

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	YES	1	$ 235,110.00		
B - Personal Property	YES	3	$ 28,050.27		
C - Property Claimed as Exempt	YES	1			
D - Creditors Holding Secured Claims	YES	1		$ 158,278.13	
E - Creditors Holding Unsecured Priority Claims	YES	2		$ 0.00	
F - Creditors Holding Unsecured Nonpriority Claims	YES	4		$ 196,246.73	
G - Executory Contracts and Unexpired Leases	YES	1			
H - Codebtors	YES	1			
I - Current Income of Individual Debtor(s)	YES	1			$ 7,531.52
J - Current Expenditures of Individual Debtor(s)	YES	1			$ 5,955.00
Total Number of sheets In ALL Schedules ➤		16			
		Total Assets ➤	$ 263,160.27		
			Total Liabilities ➤	$ 354,524.86	

FORM B6A
(6/90)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____ (If known)
Debtor

SCHEDULE A - REAL PROPERTY

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
Family Home 4801 Neyrey Drive Metairie, LA 70002	Community Property	C	$ 235,110.00	$ 158,278.13
		Total >	$ 235,110.00 (Report also on Summary of Schedules.)	

FORM B6B
(10/89)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____ (If known)
Debtor

SCHEDULE B - PERSONAL PROPERTY

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Bank One Checking Account No. [redacted]	C	100.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		Household Goods and Furnishings	C	15,000.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		Family Photos, Prints, etc.	C	250.00
6. Wearing apparel.		Wearing Apparel	C	3,000.00
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.		One Rifle	H	200.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.		Federal Judicial Pension (unvested)	H	NO CASH VALUE
		Fidelity Investments IRA	C	9,500.27
12. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
13. Interests in partnerships or joint ventures. Itemize.	X			

FORM B6B
(10/89)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No: _____ (If known)
Debtor

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
14. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
15. Accounts receivable.	X			
16. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
17. Other liquidated debts owing debtor including tax refunds. Give particulars.	X			
18. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X			
19. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
21. Patents, copyrights, and other intellectual property. Give particulars.	X			
22. Licenses, franchises, and other general intangibles. Give particulars.	X			
23. Automobiles, trucks, trailers, and other vehicles and accessories.		2000 Jeep Cherokee (Lease)	C	NO CASH VALUE
		2000 Jeep Cherokee (Lease)	C	NO CASH VALUE
24. Boats, motors, and accessories.	X			
25. Aircraft and accessories.	X			
26. Office equipment, furnishings, and supplies.	X			
27. Machinery, fixtures, equipment and supplies used in business.	X			

FORM B6B
(10/89)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
28. Inventory.	X			
29. Animals.	X			
30. Crops - growing or harvested. Give particulars.	X			
31. Farming equipment and implements.	X			
32. Farm supplies, chemicals, and feed.	X			
33. Other personal property of any kind not already listed. Itemize.	X			
		2 continuation sheets attached	Total ▸	$ 28,050.27

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules.)

FORM B6C
(6/90)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous, Case No. _____
Debtor, (If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemption to which debtor is entitled under:

(Check one box)

☐ 11 U.S.C. § 522(b)(1) Exemptions provided in 11 U.S.C. § 522(d). Note: These exemptions are available only in certain states.

☑ 11 U.S.C. § 522(b)(2) Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY, WITHOUT DEDUCTING EXEMPTIONS
Family Home 4801 Neyrey Drive Metairie, LA 70002	La. RS 20:1, Const. Art. 12, § 9	25,000.00	235,110.00
Family Photos, Prints, etc.	La. RS 13:3881(A)(4)(a)	250.00	250.00
Federal Judicial Pension (unvested)	U.S.C. 28 § 376	NO CASH VALUE	NO CASH VALUE
Fidelity Investments IRA	La. RS 20:33(1)	9,500.27	9,500.27
Household Goods and Furnishings	La. RS 13:3881(A)(4)(a)	15,000.00	15,000.00
One Rifle	La. RS 13:3881(A)(4)(a)	200.00	200.00
Wearing Apparel	La. RS 13:3881(A)(4)(a)	3,000.00	3,000.00

FORM B6D
(6/90)

In re: Gabriel T. Porteous, Jr. Carmelia A. Porteous Case No.

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO. [redacted] Bank One P.O. Box 32490 Louisville, KY 40232		C	Second Mortgage Family Home 4801 Neyrey Drive Metairie, LA 70002 VALUE $235,110.00				44,998.59	0.00
ACCOUNT NO. [redacted] Chrysler Credit Corporaiton P. O. Box 7000 Covington, LA 70434		C	2000 Lease 2000 Jeep Cherokee (Lease) VALUE: NO CASH VALUE				0.00	N/A
ACCOUNT NO. [redacted] Chrysler Credit Corporaiton P. O. Box 7000 Covington, LA 70434		C	2000 Lease 2000 Jeep Cherokee (Lease) VALUE: NO CASH VALUE				0.00	N/A
ACCOUNT NO. [redacted] Fidelity Homestead Association 222 Baronne Street New Orleans, LA 70112		C	First Mortgage Family Home 4801 Neyrey Drive Metairie, LA 70002 VALUE $235,110.00				113,279.54	0.00

☐ Continuation sheets attached

Subtotal (Total of this page) $158,278.13

Total (Use only on last page) $158,278.13

(Report total also on Summary of Schedules)

CL 0050

B6E
(Rev.4/98)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____ (If known)
Debtor

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

☑ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to $4,300* per person earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to $4,300* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

☐ **Deposits by individuals**

Claims of individuals up to $1,950* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).

☐ **Alimony, Maintenance, or Support**

Claims of a spouse, former spouse, or child of the debtor for alimony, maintenance, or support, to the extent provided in 11 U.S.C. § 507(a)(7).

☐ **Taxes and Certain Other Debts Owed to Governmental Units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to Maintain the Capital of an Insured Depository Institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

☐ **Other Priority Debts**

*Amounts are subject to adjustment on April 1, 2001, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

1 Continuation sheets attached

FORM B6E - Cont.
(10/89)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor Case No. _____ (If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGENT	UNLIQUIDATED	DISPUTED	TOTAL AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY
ACCOUNT NO.								

Sheet no. 1 of 1 sheets attached to Schedule of Creditors Holding Priority Claims

Subtotal (Total of this page) ▶	$0.00
Total ▶ (Use only on last page of the completed Schedule E.) (Report total also on Summary of Schedules)	$0.00

CL 0052

FORM B6F (Official Form 6F) - (9/97)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

☐ Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted] American Express Centurion Bank Suite 0002 Chicago, IL 60679-0002		C	1997-2000 Credit Card				11,855.57
ACCOUNT NO. [redacted] Bank of Louisiana Mastercard P.O. Box 6972 Metairie, LA 70009-6972 [redacted]les A. Fontana, III Fontana & Fontana, L.L.C. 1022 Loyola Avenue New Orleans, LA 70113		C	1997-2000 Credit Card				1,724.23
ACCOUNT NO. [redacted] Chase Platinum Mastercard P.O. Box 52050 Phoenix, AZ 85072-2050		C	1997-2000 Credit Card				10,196.82
ACCOUNT NO. [redacted] Citibank Advantage P.O. Box 6408 The Lakes, NV 88901-6408		C	1997-2000 Credit Card				23,987.39
ACCOUNT NO. [redacted] Citibank Advantage P.O. Box 6000 The Lakes, NV 89163-6000		C	1997-2000 Credit Card				20,719.58

3 Continuation sheets attached

Subtotal ➤ $68,483.59

Total ➤

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor

Case No. _____ (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted] Citibank USA P.O. Box 15109 Wilmington, DE 19850-5109 Citifinancial P.O. Box 17127 Baltimore, MD 21297 Edward F. Bukaty, III One Galleria Blvd. Suite 1810 Metairie, LA 70001-2082		C	1997-2000 Credit Card				17,711.35
ACCOUNT NO. [redacted] Dillards P.O. Box 52079 Phoenix, AZ 85072-2079		C	1997-2000 Credit Card				4,673.92
ACCOUNT NO. [redacted] Dillard's P. O. Box 52067 Phoenix, AZ 85072		C	2000 Credit Card.				243.14
ACCOUNT NO. [redacted] Discover Platinum P.O. Box 5011 Dover, DE 19903-5011		C	1997-2000 Credit Card				20,783.26

Sheet no. 1 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal > (Total of this page) $43,411.67

Total > (Use only on last page of the completed Schedule F.)

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (if known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS, INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted] First USA Bank P.O. Box 94014 Palatine, IL 60094-4014		C	1997-2000 Credit Card				6,046.24
ACCOUNT NO. [redacted] First USA Bank, N.A. First USA Bank, N.A. P.O. Box 8864 Wilmington, DE 19899-8864		C	1997-2000 Credit Card				6,757.42
ACCOUNT NO. [redacted] J.C. Pennny P.O. Box 27570 Albuquerque, NM 87125		C	1997-2000 Credit Card				2,960.28
ACCOUNT NO. [redacted] MBNA America P.O. Box 15137 Wilmington, DE 19886-5137		C	2000-2001 Credit Card				3,212.80
ACCOUNT NO. [redacted] MBNA America P.O. Box 15137 Wilmington, DE 19886-5137		C	1997-2000 Credit Card				29,443.71

Sheet no. 2 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) ➤ $48,420.45

Total (Use only on last page of the completed Schedule F.) ➤

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous
Debtor

Case No. _____ (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted]		C	1997-2000 Credit Card				30,931.02
MBNA America P.O. Box 15019 Wilmington, DE 19886-5019							
ACCOUNT NO.		C	1999 Personal Loan				5,000.00
Regions Bank 301 St. Charles Avenue New Orleans, LA 70130							

Sheet no. 3 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) ▶ $35,931.02

Total (Use only on last page of the completed Schedule F.) ▶ $196,246.73

(Report this on Summary of Schedules)

Form B6G
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____ (If known)
Debtor

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

☐ Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST, STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY, STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.
Chrysler Credit Corporaiton P. O. Box 7000 Covington, LA 70434	2000 Jeep Cherokee
Chrysler Credit Corporaiton P. O. Box 7000 Covington, LA 70434	2000 Jeep Cherokee

B6H
(6/90)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Case No. _____ (If known)
Debtor

SCHEDULE H - CODEBTORS

☑ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No.

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

Debtor's Marital Status: Married	DEPENDENT'S OF DEBTOR AND SPOUSE		
Debtor's Age: Spouse's Age:	NAMES Catherine A. Porteous	AGE 19	RELATIONSHIP Daughter

EMPLOYMENT:	DEBTOR	SPOUSE
Occupation	Judge	
Name of Employer		
How long employed		
Address of Employer	United States of America 500 Camp Street New Orleans, LA 70130	

Income: (Estimate of average monthly income)	DEBTOR	SPOUSE
Current monthly gross wages, salary, and commissions (pro rate if not paid monthly.)	$ 7,531.52	$ 0.00
Estimated monthly overtime	$ 0.00	$ 0.00
SUBTOTAL	$ 7,531.52	$ 0.00
LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	$ 0.00	$ 0.00
b. Insurance	$ 0.00	$ 0.00
c. Union dues	$ 0.00	$ 0.00
d. Other (Specify)	$ 0.00	$ 0.00
SUBTOTAL OF PAYROLL DEDUCTIONS	$ 0.00	$ 0.00
TOTAL NET MONTHLY TAKE HOME PAY	$ 7,531.52	$ 0.00
Regular income from operation of business or profession or farm (attach detailed statement)	$ 0.00	$ 0.00
Income from real property	$ 0.00	$ 0.00
Interest and dividends	$ 0.00	$ 0.00
Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.	$ 0.00	$ 0.00
Social security or other government assistance (Specify)	$ 0.00	$ 0.00
Pension or retirement income	$ 0.00	$ 0.00
Other monthly income (Specify)	$ 0.00	$ 0.00
TOTAL MONTHLY INCOME	$ 7,531.52	$ 0.00

TOTAL COMBINED MONTHLY INCOME $ 7,531.52 (Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document: NONE

Form B6J
(6/90)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____ (If known)
Debtor

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (include lot rented for mobile home)		$ 1,429.00
Are real estate taxes included?	Yes ✓ No ___	
Is property insurance included?	Yes ✓ No ___	
Utilities: Electricity and heating fuel		$ 350.00
Water and sewer		$ 90.00
Telephone		$ 200.00
Other		$ 0.00
Home maintenance (repairs and upkeep)		$ 200.00
Food		$ 450.00
Clothing		$ 200.00
Laundry and dry cleaning		$ 150.00
Medical and dental expenses		$ 300.00
Transportation (not including car payments)		$ 250.00
Recreation, clubs and entertainment, newspapers, magazines, etc.		$ 0.00
Charitable contributions		$ 100.00
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or renter's		$ 0.00
Life		$ 0.00
Health		$ 0.00
Auto		$ 350.00
Other		$ 0.00
Taxes (not deducted from wages or included in home mortgage payments) (Specify)		$ 0.00
Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan)		
Auto		$ 330.00
Other Second Car Lease		$ 330.00
Second Mortgage on Family Home		$ 495.00
Alimony, maintenance or support paid to others		$ 0.00
Payments for support of additional dependents not living at your home		$ 686.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)		$ 0.00
Other Cable Television		$ 45.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)		$ 5,955.00

[FOR CHAPTER 12 AND 13 DEBTORS ONLY]
Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income		$ 7,531.52
B. Total projected monthly expenses		$ 5,955.00
C. Excess income (A minus B)		$ 1,576.52
D. Total amount to be paid into plan each	Monthly (interval)	$ 1,500.00

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No.

DECLARATION CONCERNING DEBTOR'S SCHEDULES

DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 16 sheets plus the summary page, and that they are true and correct to the best of my knowledge, information, and belief.

Date: _____ Signature _____
Gabriel T. Porteous, Jr.

Date: _____ Signature _____
Carmella A. Porteous

[If joint case, both spouses must sign]

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

(NOT APPLICABLE)

Penalty for making a false statement or concealing property. Fine of up to $500,000 or imprisonment for up to 5 years or both. 18 U.S.C §§ 152 and 3571.

UNITED STATES BANKRUPTCY COURT

Eastern District of Louisiana

In re: Gabriel T. Porteous, Jr. [redacted] Carmelia A. Porteous [redacted] Case No. _____ Chapter 13

STATEMENT OF FINANCIAL AFFAIRS

1. Income from employment or operation of business

None ☐

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE	FISCAL YEAR PERIOD
146,450.00	Joint Gross Income	1999
146,799.00	Joint Gross Income	2000
35,325.00	Joint Gross Income	2001

2. Income other than from employment or operation of business

None ☑

State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the two years immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

3. Payments to creditors

None ☐

a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than $600 to any creditor, made within 90 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
Normal Installments			

None ☑

b. List all payments made within one year immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

4. Suits and administrative proceedings, executions, garnishments and attachments

None ☑

a. List all suits and administrative proceedings to which the debtor is or was a party within one year immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

None ☑ b. Describe all property that has been attached, garnished or seized under any legal or equitable process within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

5. Repossessions, foreclosures and returns

None ☑ List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

6. Assignments and receiverships

None ☑ a. Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

None ☑ b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

7. Gifts

None ☑ List all gifts or charitable contributions made within one year immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than $200 in value per individual family member and charitable contributions aggregating less than $100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

8. Losses

None ☑ List all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

9. Payments related to debt counseling or bankruptcy

None ☑ List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within one year immediately preceding the commencement of this case.

10. Other transfers

None ☒

a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petiton is filed, unless the spouses are separated and a joint petition is not filed.)

11. Closed financial accounts

None ☒

List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within one year immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

12. Safe deposit boxes

None ☒

List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

13. Setoffs

None ☒

List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within 90 days preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

14. Property held for another person

None ☒

List all property owned by another person that the debtor holds or controls.

15. Prior address of debtor

None ☒

If the debtor has moved within the two years immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

16. Nature, location and name of business

None ☑ a. If the debtor is an individual, list the names and addresses of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within two years immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the two years immediately preceding the commencement of this case.

b. If the debtor is a partnership, list the names and addresses of all businesses in which the debtor was a partner or owned 5 percent or more of the voting securities, within the two years immediately preceding the commencement of this case.

c. If the debtor is a corporation, list the names and addresses of all business in which the debtor was a partner or owned 5 percent or more of the voting securities within two years immediately preceding the commencement of this case.

17. Books, records and financial statements

None ☑ a. List all bookkeepers and accountants who within six years immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

None ☑ b. List all firms or individuals who within the two years immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

None ☑ c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

None ☑ d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the two years immediately preceding the commencement of this case by the debtor.

18. Inventories

None ☑ a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

None ☑ b. List the name and address of the person having possession of the records of each of the two inventories reported in 18a., above.

19. Current Partners, Officers, Directors and Shareholders

None ☑ a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

None ☑ b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting securities of the corporation.

20. Former partners, officers, directors and shareholders

None ☑ a. If the debtor is a partnership, list each member who withdrew from the partnership within one year immediately preceding the commencement of this case.

None ☑ b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within one year immediately preceding the commencement of this case.

21. Withdrawals from a partnership or distributions by a corporation

None ☑ If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during one year immediately preceding the commencement of this case.

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date _____ Signature of Debtor Gabriel T. Porteous, Jr.

Date _____ Signature of Joint Debtor Carmella A. Porteous

UNITED STATES BANKRUPTCY COURT

Eastern District of Louisiana

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous

Debtors

Case No. _____

Chapter 13

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	$	1,750.00
Prior to the filing of this statement I have received	$	0.00
Balance Due	$	1,750.00

2. The source of compensation paid to me was:

   ☐ Debtor ☐ Other (specify)

3. The source of compensation to be paid to me is:

   ☐ Debtor ☐ Other (specify)

4. ☑ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

   ☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

   a) Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;

   b) Preparation and filing of any petition, schedules, statement of affairs, and plan which may be required;

   c) Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

   d) Representation of the debtor in adversary proceedings and other contested bankruptcy matters;

   e) [Other provisions as needed]

   None

6. By agreement with the debtor(s) the above disclosed fee does not include the following services:

   None

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: _____

_____

Claude C. Lightfoot, Jr., Bar No. LA 17989

Claude C. Lightfoot, Jr. P.C.

Attorney for Debtor(s)

..NITED STATES BANKRUPTCY COUR.

Eastern District of Louisiana

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. Chapter 13

CHAPTER 13 PLAN

NOTICE

THIS PLAN CONTAINS EVIDENTIARY MATTER WHICH, IF NOT CONTROVERTED, MAY BE ACCEPTED BY THE COURT AS TRUE. CREDITORS CANNOT VOTE ON THIS PLAN BUT MAY OBJECT TO ITS CONFIRMATION PURSUANT TO BANKRUPTCY CODE § 1324, AND LOCAL RULES. ABSENT ANY SUCH OBJECTION, THE COURT MAY CONFIRM THIS PLAN AND ACCEPT THE VALUATION AND ALLEGATIONS CONTAINED HEREIN.

The Debtor(s) above named hereby proposes the following plan.

1. Debts. All debts are provided for by this Plan. Only creditors holding claims duly proved and allowed shall be entitled to payments from the Trustee. (See Notice of Filing of Bar Date.) Trustee shall not file a claim on behalf of any creditor.

2. Payments. As of the date of this plan, the debtor has paid $0.00 to the Trustee. Debtor and/or any entity from whom the debtor(s) receive income shall pay to the Trustee the sum of $1,500.00 Monthly, commencing April 28, 2001, for 38 months for a total of $57,000.00 or until such amounts are paid that will afford payment of all allowed and proven claims in the amounts payable under this Plan.

Graduated Payments:	BEGIN MONTH	# OF MONTHS	ADJUSTMENT

3. Plan Payments. The Trustee, from available funds, shall make payments to creditors in the following amounts and order. All dates for beginning of payments are estimates only and may be adjusted by the Trustee as necessary to carry out the terms of this plan.

A. DEBTOR'S ATTORNEY	FEE REQUESTED	PAID TO DATE	BALANCE DUE	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
Claude C. Lightfoot, Jr.	1,750.00	0.00	1,750.00	1,428.57	1	1	1,750.00
	0.00	0.00		321.43	2	1	

B. Mortgage Arrears. (Regular monthly payments to be made by Debtor and to start on the first due date after date of filing petition.)

CREDITOR	RATE	ARREARS	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
NONE						

C. Secured Claims. (A creditor's secured claim shall be the net amount due as of date of filing or the value of the collateral to which creditor's lien attaches, whichever is less. Interest shall be allowed at contract rate or 8.00% APR whichever is less. Creditor shall retain its lien until the allowed secured portion of the claim is fully paid.)

CREDITOR & COLLATERAL	RATE	CLAIM	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS

I. Secured Claims - Paid in full

NONE

II. Secured Claims - Cure default only

NONE

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. Chapter 13

D. Priority Claims. (Unsecured claims entitled to priority under 11 U.S.C. § 507 shall be paid in full as follows.)

CREDITOR	PRIORITY CLAIM	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
NONE					

E. Separate Class of Unsecured Claims. (May include co-signed debts as provided for by 11 U.S.C. § 1301, including interest at contract rate.)

CREDITOR & CLASSIFICATION	UNSECURED CLAIM	RATE	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
NONE						

F. Unsecured Creditors. (All other creditors not scheduled above are deemed unsecured without priority and shall be paid pro rata from funds remaining after payment of above scheduled claims. Debtor estimates the unsecured claims to total $ 193,033.93, and proposes to provide at least $,52,535.71 which will pay in full said creditors' claims, or in no event, provide a composition percentage of less than 27.22%. (Funds Provided/Unsecured Claims)

G. Lien Avoidance. (Debtor intends to file a motion, pursuant to Bankruptcy Rule 4003(d) to avoid all nonpossesssory, nonpurchase money security interests and judicial liens as provided by 11 U.S.C. § 522(f), and the plan herein provides for payment of such liens as general unsecured claims only. Any creditors' claim or portion thereof not listed in paragraph C above is to be treated as unsecured and, unless objected to, such unsecured status, for purposes of this plan, will be binding upon confirmation, but the lien shall survive unless avoided.

H. Leases and Contracts. The Debtor hereby assumes the following unexpired leases and executory contracts, and rejects all others.

NAME OF CREDITOR	DESCRIPTION
Chrysler Credit Corporaiton	2000 Jeep Cherokee
Chrysler Credit Corporaiton	2000 Jeep Cherokee

I. Miscellaneous Provisions.

Debtors assume the vehicle leases with Chrysler Credit.

4. Secured Claims - Paid directly by debtor(s). The following creditors' claims are fully secured, shall be paid directly by the debtors, and receive no payments under paragraph 3 above:

CREDITOR	COLLATERAL	MARKET VALUE	AMOUNT OF CLAIM
NONE			

5. Future Income. Debtor(s) submits all future earnings or other future income to such supervision and control of the Trustee as is necessary for the execution of this Plan.

6. Standing Trustee Percentage Fee. Pursuant to 28 U.S.C. § 586(e)(B), the Attorney General, after consultation with the United States Trustee, sets a percentage fee not to exceed ten percent of payments made to creditors by the Trustee under the terms of this Plan.

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Chapter 13

SUMMARY AND ANALYSIS OF PLAN PAYMENTS TO BE MADE BY TRUSTEE

A. Total debt provided under the Plan and administrative expenses

1. Attorney Fees	1,750.00
2. Mortgage Arrears	0.00
3. Secured Claims	0.00
4. Priority Claims	0.00
5. Separate Class of Unsecured Claims	0.00
6. All other unsecured claims	52,535.71
	54,285.71
Total payments to above Creditors	2,714.29
Trustee percentage	
* Total Debtor payments to the Plan	57,000.00

* Total payments must equal total of payments set forth in paragraph 2 on page 1 of this Plan.

B. Reconciliation with Chapter 7

1. Interest of unsecured creditors if Chapter 7 filed	
a. Total property of debtor	263,160.27
b. Property securing debt	156,278.13
c. Exempt property	52,950.27
d. Priority unsecured claims	0.00
e. Chapter 7 trustee fee	5,596.59
f. Funds for Chapter 7 distribution (est.)	48,335.28
2. Percent of unsecured, nonpriority claims paid under Plan	27.22
3. Percent of unsecured, nonpriority claims paid if Chapter 7 filed (est.)	26.90

Attorney for Debtor(s):

Claude C. Lightfoot, Jr.
LA 17989

Claude C. Lightfoot, Jr. P.C.
3500 N. Causeway Blvd.
Suite 450
Metairie, LA 70002

Phone: (504) 838-8571
Fax: (504) 838-8572

Signed: _____
Gabriel T. Porteous, Jr., Debtor

Signed: _____
Carmella A. Porteous, Joint Debtor

Signed: _____
Claude C. Lightfoot, Jr.

Dated: _____

United States Bankruptcy Court
Eastern District of Louisiana
NOTICE TO INDIVIDUAL CONSUMER DEBTOR

The purpose of this notice is to acquaint you with the four chapters of the Federal Bankruptcy Code under which you may file a bankruptcy petition. The bankruptcy law is complicated and not easily described. Therefore, you should seek the advice of an attorney to learn of your rights and responsibilities under the law should you decide to file a petition with the court. Court employees are prohibited from giving you legal advice.

Chapter 7: Liquidation ($155.00 filing fee plus $30.00 administrative fee plus $15.00 trustee surcharge)

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts.
2. Under chapter 7 a trustee takes possession of all your property. You may claim certain of your property as exempt under governing law. The trustee then liquidates the property and uses the proceeds to pay your creditors according to priorities of the Bankruptcy Code.
3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed the certain kinds of improper conduct described in the Bankruptcy Code, your discharge may be denied by the court, and the purpose for which you filed bankruptcy petition will be defeated.
4. Even if you receive a discharge, there are some debts that are not discharged under the law. Therefore, you may still be responsible for such debts as certain taxes and student loans, alimony and support payments, criminal restitution, and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs.
5. Under certain circumstances you may keep property that you have purchased subject to a valid security interest. Your attorney can explain the options that are available to you.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income ($155.00 filing fee plus $30.00 administrative fee)

1. Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts but would like to pay them in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
2. Under chapter 13 you must file a plan with the court to repay your creditors all or part of the money that you owe them, using your future earnings. Usually, the period allowed by the court to repay your debts is three years, but no more than five years. Your plan must be approved by the court before it can take effect.
3. Under chapter 13, unlike chapter 7, you may keep all your property, both exempt and non-exempt, as long as you continue to make payments under the plan.
4. After completion of payments under your plan, your debts are discharged except alimony and support payments, student loans, certain debts including criminal fines and restitution and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs, and long term secured obligations.

Chapter 11: Reorganization ($800.00 filing fee)

Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer ($200.00 filing fee)

Chapter 12 is designed to permit family farmers to repay their debts over a period of time from future earnings and is in many ways similar to a chapter 13. The eligibility requirements are restrictive, limiting its use to farmers whose income arises primarily from a family owned farm.

I, the debtor, affirm that I have read this notice.

Date _____ Gabriel T. Porteous, Jr., Debtor _____ Case Number _____

Date _____ Carmella A. Porteous, Joint Debtor _____

American Express Centurion Bank
Suite 0002
Chicago, IL 60679-0002

Bank of Louisiana Mastercard
P.O. Box 6972
Metairie, LA 70009-6972

Bank One
P.O. Box 32490
Louisville, KY 40232

First USA Bank, N.A.
First USA Bank, N.A.
P.O. Box 8864
Wilmington, DE 19899-8864

Chase Platinum Mastercard
P.O. Box 52050
Phoenix, AZ 85072-2050

Citibank Advantage
P.O. Box 6408
The Lakes, NV 88901-6408

Citibank Advantage
P.O. Box 6000
The Lakes, NV 89163-6000

Citibank USA
P.O. Box 15109
Wilmington, DE 19850-5109

Citifinancial
P.O. Box 17127
Baltimore, MD 21297

Dillards
P.O. Box 52079
Phoenix, AZ 85072-2079

Dillard's
P. O. Box 52067
Phoenix, AZ 85072

Discover Platinum
P.O. Box 6011
Dover, DE 19903-6011

Edward F. Bukaty, III
One Galleria Blvd.
Suite 1810
Metairie, LA 70001-2082

Fidelity Homestead Association
222 Baronne Street
New Orleans, LA 70112

First USA Bank
P.O. Box 94014
Palatine, IL 60094-4014

J.C. Pennny
P.O. Box 27570
Albuquerque, NM 87125

Jules A. Fontana, III
Fontana & Fontana, L.L.C.
1022 Loyola Avenue
New Orleans, LA 70113

MBNA America
P.O. Box 15137
Wilmington, DE 19886-5137

MBNA America
P.O. Box 15019
Wilmington, DE 19886-5019

MBNA America
P.O. Box 15137
Wilmington, DE 19886-5137

Regions Bank
301 St. Charles Avenue
New Orleans, LA 70130

Chrysler Credit Corporaiton
P. O. Box 7000
Covington, LA 70434

(Official Form 1) (9/97)

FORM B1

United States Bankruptcy Court
Eastern District of Louisiana

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Porteous, Jr., Gabriel T.	Name of Joint Debtor (Spouse)(Last, First, Middle): Porteous, Carmella A.
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):
Soc. Sec./Tax I.D. No. (if more than one, state all): [redacted]	Soc. Sec./Tax I.D. No. (if more than one, state all): [redacted]
Street Address of Debtor (No. & Street, City, State & Zip Code): 4801 Neyrey Drive Metairie, LA 70002	Street Address of Joint Debtor (No. & Street, City, State & Zip Code): 4801 Neyrey Drive Metairie, LA 70002
County of Residence or of the Principal Place of Business: Jefferson Parish	County of Residence or of the Principal Place of Business: Jefferson Parish
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):

Location of Principal Assets of Business Debtor (if different from street address above):

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- ☑ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

- ☑ Individual(s)
- ☐ Corporation
- ☐ Partnership
- ☐ Other _____
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker

Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- ☐ Chapter 7
- ☐ Chapter 9
- ☐ Sec. 304 - Case ancillary to foreign proceeding
- ☐ Chapter 11
- ☐ Chapter 12
- ☑ Chapter 13

Nature of Debts (Check one box)

- ☑ Consumer/Non-Business
- ☐ Business

Filing Fee (Check one box)

- ☑ Full Filing Fee Attached
- ☐ Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.

Chapter 11 Small Business (Check all boxes that apply)

- ☐ Debtor is a small business as defined in 11 U.S.C. § 101
- ☐ Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)

Statistical/Administrative Information (Estimates only)

- ☑ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

THIS SPACE IS FOR COURT USE ONLY

Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over
	☐	☑	☐	☐	☐	☐

Estimated Assets	$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	More than $100 million
	☐	☐	☑	☐	☐	☐	☐	☐

Estimated Debts	$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	More than $100 million
	☐	☐	☑	☐	☐	☐	☐	☐

Pleadings #4

(Official Form 1) (9/97)

Voluntary Petition
(This page must be completed and filed in every case)

Name of Debtor(s): Gabriel T. Porteous, Jr.
Carmella A. Porteous

FORM B1, Page 2

Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)

Location Where Filed:	Case Number:	Date Filed:
NONE		

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:	Case Number:	Date Filed:
NONE		
District:	**Relationship:**	**Judge:**

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X Not Applicable
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of Attorney

X _____
Signature of Attorney for Debtor(s)

Claude C. Lightfoot, Jr., LA 17989
Printed Name of Attorney for Debtor(s) / Bar No.

Claude C. Lightfoot, Jr. P.C.
Firm Name

3500 N. Causeway Blvd. Suite 450
Address

Metairie, LA 70002

(504) 838-8571 (fax) (504) 838-857
Telephone Number

Date

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Not Applicable
Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X Not Applicable
Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Exhibit A
(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B
(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X _____
Signature of Attorney for Debtor(s) Date

FORM B6A
(6/90)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor

Case No. _____ (If known)

SCHEDULE A - REAL PROPERTY

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
Family Home 4601 Neyrey Drive Metairie, LA 70002	Community Property	C	$ 235,110.00	$ 158,278.13
	Total ➤		$ 235,110.00 (Report also on Summary of Schedules.)	

CL 0076

PROPERTY VALUATION ANALYSIS

Value of Property	$ 266,000.00
1st Mortgage Balance	113,279.54
2nd Mortgage Balance	44,998.59
Homestead Exemption	25,000.00
Real Estate Commission (6% on 1st 100k, 4% on bal.):	- 12,640.00

Sales Price:	$ 266,000.00
Less Real Estate Commission:	- 12,640.00
Less Closing Costs:	- 1,000.00
Less 1st Mortgage	- 113,279.54
Less 2nd Mortgage	- 44,998.59
Homestead Exemption	- 25,000.00
Trustee's Commission (25% on 1st $5k; 10% on bal. Up to $50K, 5% on bal. Up to $1M; 3 % over $1M)	- 16,250.00
Total Equity for Estate	$ 51,831.87

FORM B6B
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____ (If known)
Debtor

SCHEDULE B - PERSONAL PROPERTY

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PRORERTY, WITH-OUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Bank One Checking Account No.[redacted]	C	100.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		Household Goods and Furnishings	C	15,000.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		Family Photos, Prints, etc.	C	250.00
6. Wearing apparel.		Wearing Apparel	C	3,000.00
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.		One Rifle	H	200.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.		Federal Judicial Pension (unvested)	H	NO CASH VALUE
		Fidelity Investments IRA	C	9,500.27
12. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
13. Interests in partnerships or joint ventures. Itemize.	X			

FORM B6B
(10/89)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
14. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
15. Accounts receivable.	X			
16. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
17. Other liquidated debts owing debtor including tax refunds. Give particulars.	X			
18. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X			
19. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
21. Patents, copyrights, and other intellectual property. Give particulars.	X			
22. Licenses, franchises, and other general intangibles. Give particulars.	X			
23. Automobiles, trucks, trailers, and other vehicles and accessories.	X			
24. Boats, motors, and accessories.	X			
25. Aircraft and accessories.	X			
26. Office equipment, furnishings, and supplies.	X			
27. Machinery, fixtures, equipment and supplies used in business.	X			
28. Inventory.	X			

FORM B6B
(10/89)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
29. Animals.	X			
30. Crops - growing or harvested. Give particulars.	X			
31. Farming equipment and implements.	X			
32. Farm supplies, chemicals, and feed.	X			
33. Other personal property of any kind not already listed. Itemize.	X			
		2 continuation sheets attached	Total >	$ 28,050.27

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules.)

FORM B6C
(6/90)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous, Case No. _____
Debtor. (If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemption to which debtor is entitled under:

(Check one box)

☐ 11 U.S.C. § 522(b)(1) Exemptions provided in 11 U.S.C. § 522(d). Note: These exemptions are available only in certain states.

☒ 11 U.S.C. § 522(b)(2) Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY, WITHOUT DEDUCTING EXEMPTIONS
Family Home 4801 Neyrey Drive Metairie, LA 70002	La. RS 20:1, Const. Art. 12, § 9	25,000.00	235,110.00
Family Photos, Prints, etc.	La. RS 13:3881(A)(4)(a)	250.00	250.00
Federal Judicial Pension (unvested)	U.S.C. 28 § 376	NO CASH VALUE	NO CASH VALUE
Fidelity Investments IRA	La. RS 20:33(1)	9,500.27	9,500.27
Household Goods and Furnishings	La. RS 13:3881(A)(4)(a)	15,000.00	15,000.00
One Rifle	La. RS 13:3881(A)(4)(a)	200.00	200.00
Wearing Apparel	La. RS 13:3881(A)(4)(a)	3,000.00	3,000.00

FORM B6D
(6/90)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No.

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO. [redacted] Bank One P.O. Box 32490 Louisville, KY 40232		C	Second Mortgage Family Home 4801 Neyrey Drive Metairie, LA 70002 VALUE $266,000.00				44,998.59	0.00
ACCOUNT NO. Car Lease 1		C	Security Agreement VALUE $0.00				0.00	0.00
ACCOUNT NO. Car Lease 2		C	Security Agreement VALUE $0.00				0.00	0.00
ACCOUNT NO. [redacted] Fidelity Homestead Association 222 Baronne Street New Orleans, LA 70112		C	First Mortgage Family Home 4801 Neyrey Drive Metairie, LA 70002 VALUE $266,000.00				113,279.54	0.00

Continuation sheets attached

Subtotal (Total of this page)	$158,278.13
Total (Use only on last page)	$158,278.13

(Report total also on Summary of Schedules)

CL-0082

B6E
1(Rev.4/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

☑ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to $4,300* per person earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to $4,300* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

☐ **Deposits by individuals**

Claims of individuals up to $1,950* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).

☐ **Alimony, Maintenance, or Support**

Claims of a spouse, former spouse, or child of the debtor for alimony, maintenance, or support, to the extent provided in 11 U.S.C. § 507(a)(7).

☐ **Taxes and Certain Other Debts Owed to Governmental Units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to Maintain the Capital of an Insured Depository Institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

☐ **Other Priority Debts**

* Amounts are subject to adjustment on April 1, 2001, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

1 Continuation sheets attached

FORM B6E - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____ (If known)
Debtor

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGENT	UNLIQUIDATED	DISPUTED	TOTAL AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY
ACCOUNT NO.								

Sheet no. 1 of 1 sheets attached to Schedule of Creditors Holding Priority Claims

Subtotal (Total of this page) ▶ $0.00

Total (Use only on last page of the completed Schedule E.) ▶ $0.00

(Report total also on Summary of Schedules)

FORM B6F (Official Form 6F) - (9/97)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____ (If known)
Debtor

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

☐ Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted] American Express Centurion Bank Suite 0002 Chicago, IL 60679-0002		C	Credit Card				11,855.57
ACCOUNT NO. [redacted] Bank of Louisiana Mastercard P.O. Box 6972 Metairie, LA 70009-6972 Jules A. Fontana, III Fontana & Fontana, L.L.C. 3022 Loyola Avenue New Orleans, LA 70113		C	Credit Card				1,724.23
ACCOUNT NO. [redacted] Chase Platinum Mastercard P.O. Box 52050 Phoenix, AZ 85072-2050		C	Credit Card				10,196.82
ACCOUNT NO. [redacted] Citibank Advantage P.O. Box 6408 The Lakes, NV 88901-6408		C	Credit Card				23,987.39
ACCOUNT NO. [redacted] Citibank Advantage P.O. Box 6000 The Lakes, NV 89163-6000		C	Credit Card				20,719.56

3 Continuation sheets attached

Subtotal ➤ $68,483.59

Total ➤

CL 0085

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor

Case No. _____ (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted]		C	Credit Card				17,711.35
Citibank USA P.O. Box 15109 Wilmington, DE 19850-5109 Citifinancial P.O. Box 17127 Baltimore, MD 21297 Edward F. Bukaty, III One Galleria Blvd. Suite 1810 Metairie, LA 70001-2082							
ACCOUNT NO. [redacted]		C	Credit Card				4,673.92
Dillards P.O. Box 52079 Phoenix, AZ 85072-2079							
ACCOUNT NO. [redacted]		C	Leave in? We have other Dillards to list.				243.14
Dillard's P. O. Box 52067 Phoenix, AZ 85072							
ACCOUNT NO. [redacted]		C	Credit Card				20,783.26
Discover Platinum P.O. Box 6011 Dover, DE 19903-6011							

Sheet no. 1 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) ▶ $43,411.67

Total (Use only on last page of the completed Schedule F.) ▶

CL 0086

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor

Case No. _____ (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted]		C	Credit Card				8,046.24
First USA Bank P.O. Box 94014 Palatine, IL 60094-4014							
ACCOUNT NO. [redacted]		C	Credit Card				6,757.42
First USA Bank, N.A. First USA Bank, N.A. P.O. Box 8864 Wilmington, DE 19899-8864							
ACCOUNT NO. [redacted]		C	Credit Card				2,960.28
J.C. Penney P.O. Box 27570 Albuquerque, NM 87125							
ACCOUNT NO. [redacted]		C	Leave in? We have listed other MBNAs.				0.00 3212.80
MBNA America P.O. Box 15137 Wilmington, DE 19886-5137							
ACCOUNT NO. [redacted]		C	Credit Card				29,443.71
MBNA America P.O. Box 15137 Wilmington, DE 19886-5137							

Sheet no. 2 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) > $45,207.65

Total (Use only on last page of the completed Schedule F.) >

FORM B6F - Cont.
(12/07)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous
Debtor

Case No. _____ (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted]		C	Credit Card				30,931.02
MBNA America P.O. Box 15019 Wilmington, DE 19886-5019							
ACCOUNT NO.		C	Personal Loan				5,000.00
Regions Bank 301 St. Charles Avenue New Orleans, LA 70130							

Sheet no. 3 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) ▶ $35,931.02

Total (Use only on last page of the completed Schedule F.) ▶ $193,033.93

(Report also on Summary of Schedules)

Form B6G
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

☑ Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST, STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.

B6H
(6/90)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous , Case No. _____ (If known)
Debtor

SCHEDULE H - CODEBTORS

☑ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR

CL .0090

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No.

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

Debtor's Marital Status: Married	DEPENDENTS OF DEBTOR AND SPOUSE		
Debtor's Age: Spouse's Age:	NAMES	AGE	RELATIONSHIP
	Catherine A. Porteous	19	Daughter

EMPLOYMENT:	DEBTOR	SPOUSE
Occupation	Judge	
Name of Employer		
How long employed		
Address of Employer	United States of America 500 Camp Street New Orleans, LA 70130	

Income: (Estimate of average monthly income)	DEBTOR	SPOUSE
Current monthly gross wages, salary, and commissions (pro rate if not paid monthly.)	$ 7,531.52	$ 0.00
Estimated monthly overtime	$ 0.00	$ 0.00
SUBTOTAL	$ 7,531.52	$ 0.00
LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	$ 0.00	$ 0.00
b. Insurance	$ 0.00	$ 0.00
c. Union dues	$ 0.00	$ 0.00
d. Other (Specify)	$ 0.00	$ 0.00
SUBTOTAL OF PAYROLL DEDUCTIONS	$ 0.00	$ 0.00
TOTAL NET MONTHLY TAKE HOME PAY	$ 7,531.52	$ 0.00
Regular income from operation of business or profession or farm (attach detailed statement)	$ 0.00	$ 0.00
Income from real property	$ 0.00	$ 0.00
Interest and dividends	$ 0.00	$ 0.00
Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.	$ 0.00	$ 0.00
Social security or other government assistance (Specify)	$ 0.00	$ 0.00
Pension or retirement income	$ 0.00	$ 0.00
Other monthly income (Specify)	$ 0.00	$ 0.00
TOTAL MONTHLY INCOME	$ 7,531.52	$ 0.00

TOTAL COMBINED MONTHLY INCOME $ 7,531.52 (Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document: NONE

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
EMPLOYEE EARNINGS STATEMENT

D05LAECNOLAE MONTHLY PAY PERIOD 06 ENDING 05/31/00 01007
LOUISIANA EASTERN DISTRICT JUDGE & STAFF NEW ORLEANS

PORTEOUS JR. G. THOMAS [redacted] UJ 00/05
DIRECT DEPOSIT 065000029 RETIREMENT CODE 2
SALARY 141,300.00

PAY PERIOD EARNINGS	DAYS	PAY	YTD EARNINGS
REGULAR	30.0	11,775.00	70,266.66
GROSS EARNINGS		11,775.00	70,266.66

PAY PERIOD DEDUCTIONS	DEDUCTIONS	YTD DEDUCTIONS
FICA	889.72	5,320.06
FEDERAL TAX MS-M EXEMPT-02 EXTRA-0000	2,603.27	15,564.22
STATE TAX LA MS-M EXEMPT-02 EXTRA-000	313.91	1,876.30
HEALTH INSURANCE PLAN 105		135.03
GOV/T LIFE INS. PLAN BASIC	48.36	288.48
OPTION-A (STANDARD)	3.03	18.18
OPTION-B (ADDITIONAL)	230.75	918.13
OPTION-C (FAMILY)	9.75	19.50
HEALTH INSURANCE PRE-TAX	144.69	723.45
NET PAY	7,531.52	

MESSAGES :
THE FOLLOWING TWO CHANGES BECAME EFFECTIVE MAY 1, 2000:

(1) FEDERAL EMPLOYEES GROUP LIFE INSURANCE ELECTIONS MADE DURING THE 1999 OPEN ENROLLMENT PERIOD

(2) NEW LIFE INSURANCE RATES FROM OPTION C-FAMILY COVERAGE FOR AGES 65 AND OVER

THESE CHANGES ARE REFLECTED IN THIS PAYCHECK.

CL 0092

Form B6J
(6/90)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous, Case No. _____
Debtor (If known)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (include lot rented for mobile home)		$ 1,429.00
Are real estate taxes included?	Yes ✓ No _____	
Is property insurance included?	Yes ✓ No _____	
Utilities Electricity and heating fuel		$ 350.00
Water and sewer		$ 90.00
Telephone		$ 200.00
Other _____		$ 0.00
Home maintenance (repairs and upkeep)		$ 200.00
Food		$ 450.00
Clothing		$ 200.00
Laundry and dry cleaning		$ 150.00
Medical and dental expenses		$ 300.00
Transportation (not including car payments)		$ 250.00
Recreation, clubs and entertainment, newspapers, magazines, etc.		$ 0.00
Charitable contributions		$ 100.00
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or renter's		$ 0.00
Life		$ 0.00
Health		$ 0.00
Auto		$ 350.00
Other _____		$ 0.00
Taxes (not deducted from wages or included in home mortgage payments) (Specify) _____		$ 0.00
Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan)		
Auto		$ 330.00
Other Second Car Lease		$ 330.00
Second Mortgage on Family Home		$ 495.00
Alimony, maintenance or support paid to others		$ 0.00
Payments for support of additional dependents not living at your home		$ 686.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)		$ 0.00
Other Cable Television		$ 45.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)		$ 5,955.00

[FOR CHAPTER 12 AND 13 DEBTORS ONLY]

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income		$ 7,531.52
B. Total projected monthly expenses		$ 5,955.00
C. Excess income (A minus B)		$ 1,576.52
D. Total amount to be paid into plan each	Monthly (interval)	$ 1,500.00

5. Repossessions, foreclosures and returns

None ☑ List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

6. Assignments and receiverships

None ☑ a. Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

None ☑ b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

7. Gifts

None ☑ List all gifts or charitable contributions made within one year immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than $200 in value per individual family member and charitable contributions aggregating less than $100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

8. Losses

None ☑ List all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

9. Payments related to debt counseling or bankruptcy

None ☑ List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of a petition in bankruptcy within one year immediately preceding the commencement of this case.

10. Other transfers

None ☑ a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

11. Closed financial accounts

None ☑

List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within one year immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

12. Safe deposit boxes

None ☑

List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

13. Setoffs

None ☑

List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within 90 days preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

14. Property held for another person

None ☑

List all property owned by another person that the debtor holds or controls.

15. Prior address of debtor

None ☑

If the debtor has moved within the two years immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

16. Nature, location and name of business

None ☑

a. If the debtor is an individual, list the names and addresses of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within two years immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the two years immediately preceding the commencement of this case.

b. If the debtor is a partnership, list the names and addresses of all businesses in which the debtor was a partner or owned 5 percent or more of the voting securities, within the two years immediately preceding the commencement of this case.

c. If the debtor is a corporation, list the names and addresses of all business in which the debtor was a partner or owned 5 percent or more of the voting securities within two years immediately preceding the commencement of this case.

17. Books, records and financial statements

None ☑ a. List all bookkeepers and accountants who within six years immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

None ☑ b. List all firms or individuals who within the two years immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

None ☑ c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

None ☑ d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within the two years immediately preceding the commencement of this case by the debtor.

18. Inventories

None ☑ a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

None ☑ b. List the name and address of the person having possession of the records of each of the two inventories reported in 18a., above.

19. Current Partners, Officers, Directors and Shareholders

None ☑ a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

None ☑ b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting securities of the corporation.

20. Former partners, officers, directors and shareholders

None ☑ a. If the debtor is a partnership, list each member who withdrew from the partnership within one year immediately preceding the commencement of this case.

None ☑ b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within one year immediately preceding the commencement of this case.

21. Withdrawals from a partnership or distributions by a corporation

None ☑ If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during one year immediately preceding the commencement of this case.

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date _____ Signature of Debtor Gabriel T. Porteous, Jr.

Date _____ Signature of Joint Debtor Carmella A. Porteous

UNITED STATES BANKRUPTCY COURT

Eastern District of Louisiana

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous

Debtors

Case No. _____

Chapter 13

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of this petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	$	1,750.00
Prior to the filing of this statement I have received	$	0.00
Balance Due	$	1,750.00

2. The source of compensation paid to me was:

   ☐ Debtor ☐ Other (specify)

3. The source of compensation to be paid to me is:

   ☐ Debtor ☐ Other (specify)

4. ☑ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

   ☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

   a) Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;

   b) Preparation and filing of any petition, schedules, statement of affairs, and plan which may be required;

   c) Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

   d) Representation of the debtor in adversary proceedings and other contested bankruptcy matters;

   e) [Other provisions as needed]

   None

6. By agreement with the debtor(s) the above disclosed fee does not include the following services:

   None

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: _____

_____

Claude C. Lightfoot, Jr., Bar No. LA 17989

Claude C. Lightfoot, Jr. P.C.

Attorney for Debtor(s)

CL 0099

IITED STATES BANKRUPTCY COUF

Eastern District of Louisiana

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No: Chapter 13

CHAPTER 13 PLAN

NOTICE

THIS PLAN CONTAINS EVIDENTIARY MATTER WHICH, IF NOT CONTROVERTED, MAY BE ACCEPTED BY THE COURT AS TRUE. CREDITORS CANNOT VOTE ON THIS PLAN BUT MAY OBJECT TO ITS CONFIRMATION PURSUANT TO BANKRUPTCY CODE § 1324, AND LOCAL RULES. ABSENT ANY SUCH OBJECTION, THE COURT MAY CONFIRM THIS PLAN AND ACCEPT THE VALUATION AND ALLEGATIONS CONTAINED HEREIN.

The Debtor(s) above named hereby proposes the following plan.

1. Debts. All debts are provided for by this Plan. Only creditors holding claims duly proved and allowed shall be entitled to payments from the Trustee. (See Notice of Filing of Bar Date.) Trustee shall not file a claim on behalf of any creditor.

2. Payments. As of the date of this plan, the debtor has paid $0.00 to the Trustee. Debtor and/or any entity from whom the debtor(s) receive income shall pay to the Trustee the sum of $1,500.00 Monthly, commencing _____, for 38 months for a total of $57,000.00 or until such amounts are paid that will afford payment of all allowed and proven claims in the amounts payable under this Plan.

Graduated Payments:	BEGIN MONTH	# OF MONTHS	ADJUSTMENT

3. Plan Payments. The Trustee, from available funds, shall make payments to creditors in the following amounts and order. All dates for beginning of payments are estimates only and may be adjusted by the Trustee as necessary to carry out the terms of this plan.

A. DEBTOR'S ATTORNEY	FEE REQUESTED	PAID TO DATE	BALANCE DUE	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
Claude C. Lightfoot, Jr.	1,750.00	0.00	1,750.00	1,428.57	1	1	1,750.00
	0.00	0.00		321.43	2	1	

B. Mortgage Arrears. (Regular monthly payments to be made by Debtor and to start on the first due date after date of filing petition.)

CREDITOR	RATE	ARREARS	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
NONE						

C. Secured Claims. (A creditor's secured claim shall be the net amount due as of date of filing or the value of the collateral to which creditor's lien attaches, whichever is less. Interest shall be allowed at contract rate or 8.00% APR whichever is less. Creditor shall retain its lien until the allowed secured portion of the claim is fully paid.)

CREDITOR & COLLATERAL	RATE	CLAIM	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
i. Secured Claims - Paid in full						
NONE						
ii. Secured Claims - Cure default only						
NONE						

CL 0100

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. Chapter 13

D. Priority Claims. (Unsecured claims entitled to priority under 11 U.S.C. § 507 shall be paid in full as follows.)

CREDITOR	PRIORITY CLAIM	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
NONE					

E. Separate Class of Unsecured Claims. (May include co-signed debts as provided for by 11 U.S.C. § 1301, including interest at contract rate.)

CREDITOR & CLASSIFICATION	RATE	UNSECURED CLAIM	— PAYMENT SCHEDULE — PAYMENT	MONTH	LENGTH	TOTAL PAYMENTS
NONE						

F. Unsecured Creditors. (All other creditors not scheduled above are deemed unsecured without priority and shall be paid pro rata from funds remaining after payment of above scheduled claims. Debtor estimates the unsecured claims to total $ 183,033.93, and proposes to provide at least $52,635.71 which will pay in full said creditors' claims, or in no event, provide a composition percentage of less than 27.32%. (Funds Provided/Unsecured Claims)

G. Lien Avoidance. (Debtor intends to file a motion, pursuant to Bankruptcy Rule 4003(d) to avoid all nonpossessory, nonpurchase money security interests and judicial liens as provided by 11 U.S.C. § 522(f), and the plan herein provides for payment of such liens as general unsecured claims only. Any creditors' claim or portion thereof not listed in paragraph C above is to be treated as unsecured and, unless objected to, such unsecured status, for purposes of this plan, will be binding upon confirmation, but the lien shall survive unless avoided.

H. Leases and Contracts. The Debtor hereby assumes the following unexpired leases and executory contracts, and rejects all others.

NAME OF CREDITOR	DESCRIPTION
NONE	

I. Miscellaneous Provisions.

Debtors assume the vehicle leases with

4. Secured Claims - Paid directly by debtor(s). The following creditors' claims are fully secured, shall be paid directly by the debtors, and receive no payments under paragraph 3 above:

CREDITOR	COLLATERAL	MARKET VALUE	AMOUNT OF CLAIM
NONE			

5. Future Income. Debtor(s) submits all future earnings or other future income to such supervision and control of the Trustee as is necessary for the execution of this Plan.

6. Standing Trustee Percentage Fee. Pursuant to 28 U.S.C. § 586(e)(B), the Attorney General, after consultation with the United States Trustee, sets a percentage fee not to exceed ten percent of payments made to creditors by the Trustee under the terms of this Plan.

CL 0101

In re: Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No. Chapter 13

SUMMARY AND ANALYSIS OF PLAN PAYMENTS TO BE MADE BY TRUSTEE

A. Total debt provided under the Plan and administrative expenses

1. Attorney Fees	1,750.00
2. Mortgage Arrears	0.00
3. Secured Claims	0.00
4. Priority Claims	0.00
5. Separate Class of Unsecured Claims	0.00
6. All other unsecured claims	52,535.71
Total payments to above Creditors	54,285.71
Trustee percentage	2,714.29
* Total Debtor payments to the Plan	57,000.00

* Total payments must equal total of payments set forth in paragraph 2 on page 1 of this Plan.

B. Reconciliation with Chapter 7

1. Interest of unsecured creditors if Chapter 7 filed	
a. Total property of debtor	283,160.27
b. Property securing debt	158,278.13
c. Exempt property	52,950.27
d. Priority unsecured claims	0.00
e. Chapter 7 trustee fee	5,598.59
f. Funds for Chapter 7 distribution (est.)	46,335.28
2. Percent of unsecured, nonpriority claims paid under Plan	27.22
3. Percent of unsecured, nonpriority claims paid if Chapter 7 filed (est.)	26.90

Attorney for Debtor(s):

Claude C. Lightfoot, Jr.
LA 17989

Claude C. Lightfoot, Jr. P.C.
3500 N. Causeway Blvd.
Suite 450
Metairie, LA 70002

Phone: (504) 838-8571
Fax: (504) 838-8572

Signed: _____
Claude C. Lightfoot, Jr.

Signed: _____
Gabriel T. Porteous, Jr., Debtor

Signed: _____
Carmella A. Porteous, Joint Debtor

Dated: _____

CL 0102

(Official Form 1)(3/97)

FORM B1

United States Bankruptcy Court
Eastern District of Louisiana

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Porteous, Jr., Gabriel T.	Name of Joint Debtor (Spouse)(Last, First, Middle): Porteous, Carmella A.
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):
Soc. Sec./Tax I.D. No. (if more than one, state all): [redacted]	Soc. Sec./Tax I.D. No. (if more than one, state all): [redacted]
Street Address of Debtor (No. & Street, City, State & Zip Code): 4801 Neyrey Drive, Metairie, LA 70002	Street Address of Joint Debtor (No. & Street, City, State & Zip Code): 4801 Neyrey Drive
County of Residence or of the Principal Place of Business: Jefferson Parish	County of Residence or of the Principal Place of Business: Jefferson Parish
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):

Location of Principal Assets of Business Debtor (if different from street address above):

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- [x] Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- [ ] There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

- [x] Individual(s)
- [ ] Corporation
- [ ] Partnership
- [ ] Other
- [ ] Railroad
- [ ] Stockbroker
- [ ] Commodity Broker

Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- [ ] Chapter 7
- [ ] Chapter 9
- [ ] Sec. 304 - Case ancillary to foreign proceeding
- [ ] Chapter 11
- [ ] Chapter 12
- [x] Chapter 13

Nature of Debts (Check one box)

- [x] Consumer/Non-Business
- [ ] Business

Filing Fee (Check one box)

- [x] Full Filing Fee Attached
- [ ] Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.

Chapter 11 Small Business (Check all boxes that apply)

- [ ] Debtor is a small business as defined in 11 U.S.C. § 101
- [ ] Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)

Statistical/Administrative Information (Estimates only)

- [x] Debtor estimates that funds will be available for distribution to unsecured creditors.
- [ ] Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

THIS SPACE IS FOR COURT USE ONLY

Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over
	[ ]	[x]	[ ]	[ ]	[ ]	[ ]

Estimated Assets	$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	More than $100 million
	[ ]	[ ]	[x]	[ ]	[ ]	[ ]	[ ]	[ ]

Estimated Debts	$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	More than $100 million
	[ ]	[ ]	[x]	[ ]	[ ]	[ ]	[ ]	[ ]

Pleadings #5

(Official Form 1) (9/97)

Voluntary Petition
(This page must be completed and filed in every case)

Name of Debtor(s): Gabriel T. Porteous, Jr.
Carmella A. Porteous

FORM B1, Page 2

Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)

Location Where Filed:	Case Number:	Date Filed:
NONE		

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:	Case Number:	Date Filed:
NONE		
District:	**Relationship:**	**Judge:**

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

_____
Telephone Number (If not represented by attorney)

_____
Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X Not Applicable
Signature of Authorized Individual

_____
Printed Name of Authorized Individual

_____
Title of Authorized Individual

_____
Date

Signature of Attorney

X _____
Signature of Attorney for Debtor(s)

Claude C. Lightfoot, Jr., LA 17989
Printed Name of Attorney for Debtor(s) / Bar No.

Claude C. Lightfoot, Jr. P.C.
Firm Name

3500 N. Causeway Blvd. Suite 450
Address

Metairie, LA 70002

(504) 838-8571
Telephone Number

_____
Date

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Not Applicable
Printed Name of Bankruptcy Petition Preparer

_____
Social Security Number

_____
Address

_____

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X Not Applicable
Signature of Bankruptcy Petition Preparer

_____
Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Exhibit A
(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B
(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X _____
Signature of Attorney for Debtor(s) Date

FORM B6A
(6/90)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a co-tenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property.

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

DESCRIPTION AND LOCATION OF PROPERTY	NATURE OF DEBTOR'S INTEREST IN PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION	AMOUNT OF SECURED CLAIM
Family Home 4801 Neyrey Drive Metairie, LA 70002	Community Property	C	$ 268,000.00	$ 158,278.13
		Total >	$ 268,000.00 (Report also on Summary of Schedules.)	

FORM B6B
(10/89)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE B - PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property."

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Bank One Checking Account No. [redacted]	C	100.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		Household Goods and Furnishings	C	15,000.00
5. Books, pictures and other art objects, antiques; stamp, coin, record, tape, compact disc, and other collections or collectibles.		Family Photos, Prints, etc.	C	250.00
6. Wearing apparel.		Wearing Apparel	C	3,000.00
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.		One Rifle	H	200.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X			
10. Annuities. Itemize and name each issuer.	X			

FORM B6B
(10/89)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITH-OUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.		Federal Judicial Pension (unvested)	H	NO CASH VALUE
		Fidelity Investments IRA	C	9,500.27
12. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
13. Interests in partnerships or joint ventures. Itemize.	X			
14. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
15. Accounts receivable.	X			
16. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
17. Other liquidated debts owing debtor including tax refunds. Give particulars.	X			
18. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X			
19. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
21. Patents, copyrights, and other intellectual property. Give particulars.	X			
22. Licenses, franchises, and other general intangibles. Give particulars.	X			
23. Automobiles, trucks, trailers, and other vehicles and accessories.	X			

FORM B6B
(10/89)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____ (If known)
Debtor

SCHEDULE B - PERSONAL PROPERTY
(Continuation Sheet)

TYPE OF PROPERTY	NONE	DESCRIPTION AND LOCATION OF PROPERTY	HUSBAND, WIFE, JOINT OR COMMUNITY	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
24. Boats, motors, and accessories.	X			
25. Aircraft and accessories.	X			
26. Office equipment, furnishings, and supplies.	X			
27. Machinery, fixtures, equipment and supplies used in business.	X			
28. Inventory.	X			
29. Animals.	X			
30. Crops - growing or harvested. Give particulars.	X			
31. Farming equipment and implements.	X			
32. Farm supplies, chemicals, and feed.	X			
33. Other personal property of any kind not already listed. Itemize.	X			
		2 continuation sheets attached	Total >	$ 28,050.27

(Include amounts from any continuation sheets attached. Report total also on Summary of Schedules.)

CL 0108

FORM B6C
(6/90)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous, Case No. _____
Debtor. (If known)

SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemption to which debtor is entitled under:

(Check one box)

☐ 11 U.S.C. § 522(b)(1) Exemptions provided in 11 U.S.C. § 522(d). *Note:* These exemptions are available only in certain states.

☑ 11 U.S.C. § 522(b)(2) Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY, WITHOUT DEDUCTING EXEMPTIONS
Family Home 4801 Neyrey Drive Metairie, LA 70002	La. RS 20:1, Const. Art. 12, § 9	25,000.00	286,000.00
Family Photos, Prints, etc.	La. RS 13:3881(A)(4)(a)	250.00	250.00
Federal Judicial Pension (unvested)	U.S.C. 28 § 376	NO CASH VALUE	NO CASH VALUE
Fidelity Investments IRA	La. RS 20:33(1)	9,500.27	9,500.27
Household Goods and Furnishings	La. RS 13:3881(A)(4)(a)	15,000.00	15,000.00
One Rifle	La. RS 13:3881(A)(4)(a)	200.00	200.00
Wearing Apparel	La. RS 13:3881(A)(4)(a)	3,000.00	3,000.00

FORM B6D
(6/90)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No.

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding claims secured by property of the debtor as of the date of filing of the petition. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO. [redacted]		C	Second Mortgage Family Home 4801 Neyrey Drive Metairie, LA 70002 VALUE $266,000.00				44,998.59	0.00
Bank One P.O. Box 32490 Louisville, KY 40232								
ACCOUNT NO.		C	Security Agreement VALUE $0.00				0.00	0.00
Car Lease 1								
ACCOUNT NO.		C	Security Agreement VALUE $0.00				0.00	0.00
Car Lease 2								

1 Continuation sheets attached

Subtotal (Total of this page) $44,998.59

Total (Use only on last page)

(Report total also on Summary of Schedules)

CL 0110

FORM B6D
(6/90)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Case No.

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO. [redacted]		C						
Fidelity Homestead Association 222 Baronne Street New Orleans, LA 70112			First Mortgage Family Home 4801 Neyrey Drive Metairie, LA 70002 VALUE $268,000.00				113,279.54	0.00

Sheet no. 1 of 1 continuation sheets attached to Schedule of Creditors Holding Secured Claims

Subtotal (Total of this page)	$113,279.54
Total (Use only on last page)	$158,278.13

(Report total also on Summary of Schedules)

CL 0111

B6E
(Rev.4/98)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name and mailing address, including zip code, and account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them or the marital community may be liable on each claim by placing a "H," "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotal" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Repeat this total also on the Summary of Schedules.

☒ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

TYPES OF PRIORITY CLAIMS (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to $4,300* per person earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to $4,300* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

☐ **Deposits by individuals**

Claims of individuals up to $1,950* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).

B6E
(Rev. 4/98)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor Case No. _____ (If known)

☐ **Alimony, Maintenance, or Support**

Claims of a spouse, former spouse, or child of the debtor for alimony, maintenance, or support, to the extent provided in 11 U.S.C. § 507(a)(7).

☐ **Taxes and Certain Other Debts Owed to Governmental Units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to Maintain the Capital of an Insured Depository Institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

☐ **Other Priority Debts**

* Amounts are subject to adjustment on April 1, 2001, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

1 Continuation sheets attached

FORM B6E - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	CONTINGENT	UNLIQUIDATED	DISPUTED	TOTAL AMOUNT OF CLAIM	AMOUNT ENTITLED TO PRIORITY
ACCOUNT NO.								

Sheet no. 1 of 1 sheets attached to Schedule of Creditors Holding Priority Claims

Subtotal (Total of this page) ▶ $0.00

Total (Use only on last page of the completed Schedule E.) ▶ $0.00
(Report total also on Summary of Schedules)

CL 0114

FORM B6F (Official Form 6F) - (9/97)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor

Case No. _____ (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted] American Express Centurion Bank Suite 0002 Chicago, IL 60679-0002		C	Credit Card Add GC Services P.O. 44160 St. Louis, MO 63146				11,855.57
ACCOUNT NO. [redacted] Bank of Louisiana Mastercard P.O. Box 6972 Metairie, LA 70009-6972		C	Credit Card				1,724.23 ~~1712.82~~ ~~1821.11~~ 1870.00
ACCOUNT NO. [redacted] Chase Platinum Mastercard P.O. Box 52050 Phoenix, AZ 85072-2050		C	Credit Card				10,196.82 ~~10462.19~~ 10747.32

2 Continuation sheets attached

Subtotal ▶ $23,776.62

Total ▶

CL 0115

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor

Case No. _____ (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted] Citibank Advantage P.O. Box 6408 The Lakes, NV 88901-6408		C	Credit Card				23,987.39 ~~24565.76~~ ~~25094.04~~
ACCOUNT NO. [redacted] Citibank Advantage P.O. Box 6000 The Lakes, NV 89163-6000		C	Credit Card				20,719.58 21227.06
ACCOUNT NO. [redacted] Citibank USA P.O. Box 15109 Wilmington, DE 19850-5109		C	Credit Card				16,981.47 ~~13328.66~~ 17682.35
ACCOUNT NO. [redacted] Dillards P.O. Box 52079 Phoenix, AZ 85072-2079		C	Credit Card				~~4,673.92~~ 4897.11
ACCOUNT NO. [redacted] Dillard's P. O. Box 52087 Phoenix, AZ 85072		C	Leave in? We have other Dillards to list.				~~242.14~~ 673.51

Sheet no. 1 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) ▶ $68,805.50

Total (Use only on last page of the completed Schedule F.) ▶

CL 0116

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor

Case No. _____ (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted] Discover Platinum P.O. Box 6011 Dover, DE 19903-6011		C	Credit Card				20,783.26 ~~21153.84~~ 21518.14
ACCOUNT NO. [redacted] First USA Bank P.O. Box 94014 Palatine, IL 60094-4014		C	Credit Card				5,349.47
ACCOUNT NO. [redacted] First USA Bank, N.A. First USA Bank, N.A. P.O. Box 8864 Wilmington, DE 19899-8864		C	Credit Card				8,757.42
ACCOUNT NO. [redacted] J.C. Pennny P.O. Box 27570 Albuquerque, NM 87125		C	Credit Card				2,783.61 2901.54
ACCOUNT NO. [redacted] MBNA America P.O. Box 15137 Wilmington, DE 19886-5137		C	Leave in? We have listed other MBNAs.				CREDIT 3212.80

Sheet no. 2 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) > $35,653.98

Total > (Also only on last page of the completed Schedule F.)

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted]		C					27,828.31
MBNA America P.O. Box 15137 Wilmington, DE 19886-5137			Credit Card				~~28317.44~~ 28922.56
ACCOUNT NO. [redacted]		C					28,708.98
MBNA America P.O. Box 15019 Wilmington, DE 19886-5019			Credit Card				~~29258.68~~ 29817.79
ACCOUNT NO.		C					5,000.00
Regions Bank			Personal Loan				

Sheet no. 3 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) ▸ $61,537.29

Total (Use only on last page of the completed Schedule F.) ▸ $187,573.37

(Report also on Summary of Schedules)

CL 0118

B6G
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Debtor Case No. _____ (If known)

SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests.

State nature of debtor's interest in contract, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease.

Provide the names and complete mailing addresses of all other parties to each lease or contract described.

NOTE: A party listed on this schedule will not receive notice of the filing of this case unless the party is also scheduled in the appropriate schedule of creditors.

☑ Check this box if debtor has no executory contracts or unexpired leases.

NAME AND MAILING ADDRESS, INCLUDING ZIP CODE, OF OTHER PARTIES TO LEASE OR CONTRACT.	DESCRIPTION OF CONTRACT OR LEASE AND NATURE OF DEBTOR'S INTEREST, STATE WHETHER LEASE IS FOR NONRESIDENTIAL REAL PROPERTY. STATE CONTRACT NUMBER OF ANY GOVERNMENT CONTRACT.

B6H
(6/90)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous, Case No. _____
Debtor (If known)

SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. In community property states, a married debtor not filing a joint case should report the name and address of the nondebtor spouse on this schedule. Include all names used by the nondebtor spouse during the six years immediately preceding the commencement of this case.

☑ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No.:

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status: Married	DEPENDENT'S OF DEBTOR AND SPOUSE		
Debtor's Age: Spouse's Age:	NAMES	AGE	RELATIONSHIP
	Catherine A. Porteous	19	Daughter

EMPLOYMENT:	DEBTOR	SPOUSE
Occupation	Judge	
Name of Employer		
How long employed		
Address of Employer	United States of America 500 Camp Street New Orleans, LA 70130	

Income: (Estimate of average monthly income)	DEBTOR	SPOUSE
Current monthly gross wages, salary, and commissions (pro rate if not paid monthly.)	$ 7,531.52	$ 0.00
Estimated monthly overtime	$ 0.00	$ 0.00
SUBTOTAL	$ 7,531.52	$ 0.00
LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	$ 0.00	$ 0.00
b. Insurance	$ 0.00	$ 0.00
c. Union dues	$ 0.00	$ 0.00
d. Other (Specify)	$ 0.00	$ 0.00
SUBTOTAL OF PAYROLL DEDUCTIONS	$ 0.00	$ 0.00
TOTAL NET MONTHLY TAKE HOME PAY	$ 7,531.52	$ 0.00
Regular income from operation of business or profession or farm (attach detailed statement)	$ 0.00	$ 0.00
Income from real property	$ 0.00	$ 0.00
Interest and dividends	$ 0.00	$ 0.00
Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above.	$ 0.00	$ 0.00
Social security or other government assistance (Specify)	$ 0.00	$ 0.00
Pension or retirement income	$ 0.00	$ 0.00
Other monthly income (Specify)	$ 0.00	$ 0.00
TOTAL MONTHLY INCOME	$ 7,531.52	$ 0.00

TOTAL COMBINED MONTHLY INCOME $ 7,531.52 (Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document: NONE

Form B6J
(6/90)

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. _____
Debtor (If known)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (Include lot rented for mobile home)		$ 1,429.00
Are real estate taxes included?	Yes ✓ No _____	
Is property insurance included?	Yes ✓ No _____	
Utilities Electricity and heating fuel		$ 350.00
Water and sewer		$ 90.00
Telephone		$ 200.00
Other _____		$ 0.00
Home maintenance (repairs and upkeep)		$ 200.00
Food		$ 450.00
Clothing		$ 200.00
Laundry and dry cleaning		$ 150.00
Medical and dental expenses		$ 300.00
Transportation (not including car payments)		$ 250.00
Recreation, clubs and entertainment, newspapers, magazines, etc.		$ 0.00
Charitable contributions		$ 100.00
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or renter's		$ 0.00
Life		$ 0.00
Health		$ 0.00
Auto		$ 350.00
Other _____		$ 0.00
Taxes (not deducted from wages or included in home mortgage payments)		
(Specify) _____		$ 0.00
Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan)		
Auto		$ 330.00
Other Second Car Lease		$ 330.00
Alimony, maintenance or support paid to others		$ 0.00
Payments for support of additional dependents not living at your home		$ 685.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)		$ 0.00
Other Cable Television		$ 45.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)		$ 5,460.00

[FOR CHAPTER 12 AND 13 DEBTORS ONLY]

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income		$ 7,531.52
B. Total projected monthly expenses		$ 5,460.00
C. Excess income (A minus B)		$ 2,071.52
D. Total amount to be paid into plan each	Monthly (Interval)	$ 2,071.52

In re Gabriel T. Porteous, Jr. Carmella A. Porteous Case No.

[redacted] [redacted]

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (include lot rented for mobile home)		$ 1,429.00
Are real estate taxes included? Yes ✓ No ___		
Is property insurance included? Yes ✓ No ___		
Utilities Electricity and heating fuel		$ 350.00
Water and sewer		$ 90.00
Telephone		$ 200.00
Other		$ 0.00
Home Maintenance (Repairs and upkeep)		$ 200.00
Food		$ 450.00
Clothing		$ 200.00
Laundry and dry cleaning		$ 150.00
Medical and dental expenses		$ 300.00
Transportation (not including car payments)		$ 250.00
Recreation, clubs and entertainment, newspapers, magazines, etc.		$ 0.00
Charitable contributions		$ 0.00
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or renter's		$ 0.00
Life		$ 0.00
Health		$ 0.00
Auto		$ 350.00
Other		$ 0.00
Taxes (not deducted from wages or included in home mortgage payments) (Specify)		$ 0.00
Installment payments (in chapter 12 and 13 cases, do not list payments to be included in the plan)		
Auto		$ 330.00
Other Second Car Lease		$ 330.00
Alimony, maintenance or support paid to others		$ 0.00
Payments for support of additional dependents not living at your home		$ 686.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)		$ 0.00
Other Cable Television		$ 45.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)		$ 5,360.00

(FOR CHAPTER 12 AND 13 DEBTORS ONLY)

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income		$ 7,900.00
B. Total projected monthly expenses		$ 5,360.00
C. Excess income (A minus B)		$ 2,540.00
D. Total amount to be paid into plan each	Monthly (interval)	$ 2,540.00

In re Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No.

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (include lot rented for mobile home)		$ 1,429.00
Are real estate taxes included? Yes ✓ No		
Is property insurance included? Yes ✓ No		
Utilities Electricity and heating fuel		$ 350.00
Water and sewer		$ 90.00
Telephone		$ 200.00
Other		$ 0.00
Home Maintenance (Repairs and upkeep)		$ 200.00
Food		$ 450.00
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Alimony, maintenance or support paid to others		$ 0.00
Payments for support of additional dependents not living at your home		$ 686.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)		$ 0.00
Other Cable Television		$ 45.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)		$ 5,360.00

(FOR CHAPTER 12 AND 13 DEBTORS ONLY)

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income		$ 7,900.00
B. Total projected monthly expenses		$ 5,360.00
C. Excess income (A minus B)		$ 2,540.00
D. Total amount to be paid into plan each	Monthly (interval)	$ 2,540.00

In re Gabriel T. Porteous, Jr. [redacted] Carmella A. Porteous [redacted] Case No.

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse".

Rent or home mortgage payment (include lot rented for mobile home)		$ 1,429.00
Are real estate taxes included?	Yes ✓ No	
Is property insurance included?	Yes ✓ No	
Utilities Electricity and heating fuel		$ 350.00
Water and sewer		$ 90.00
Telephone		$ 200.00
Other		$ 0.00
Home Maintenance (Repairs and upkeep)		$ 200.00
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Laundry and dry cleaning		$ 150.00
Medical and dental expenses		$ 300.00
Transportation (not including car payments)		$ 250.00
Recreation, clubs and entertainment, newspapers, magazines, etc.		$ 0.00
Charitable contributions		$ 0.00
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or renter's		$ 0.00
Life		$ 0.00
Health		$ 0.00
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Other		$ 0.00
Taxes (not deducted from wages or included in home mortgage payments) (Specify)		$ 0.00
Installment payments (in chapter 12 and 13 cases, do not list payments to be included in the plan)		
Auto		$ 330.00
Other Second Car Lease		$ 330.00
Alimony, maintenance or support paid to others		$ 0.00
Payments for support of additional dependents not living at your home		$ 686.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)		$ 0.00
Other Cable Television		$ 45.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)		$ 5,360.00

(FOR CHAPTER 12 AND 13 DEBTORS ONLY)

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income		$ 7,900.00
B. Total projected monthly expenses		$ 5,360.00
C. Excess income (A minus B)		$ 2,540.00
D. Total amount to be paid into plan each	Monthly (interval)	$ 2,540.00

Law and Notarial Offices
Claude C. Lightfoot, Jr., P. C.
A Professional Law Corporation
Executive Tower - Suite 450
3500 N. Causeway Boulevard
Metairie, Louisiana 70002

Paralegals
Andrea V. Timpa
Betty H. Morvant

(504) 838-8571
Fax: (504) 838-8572
E-Mail: clightfoot@claudelightfoot.com

FAX TRANSMISSION

TO: SJ

COMPANY:

FAX NO.: 830-3750

FROM:

DATE:

SUBJECT: Porteous

2 PAGE(S) INCLUDING COVER SHEET

COMMENTS/SPECIAL INSTRUCTIONS:

Fax him the letter, SJ.
Send original to me
Thanks, Claude

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12/10/02 TUE 16:26 FAX 504 589 2444 GTP 001

Date: 12/10/02

No. of pages including cover: 2

Fax Transmittal from the Chambers of
JUDGE G. THOMAS PORTEOUS, JR.
500 Camp Street, Room C-206
New Orleans, Louisiana 70130
Telephone No. (504) 589-7585
Fax No. (504) 589-2444

To: Claude Lightfoot

From: Tom Porteous

830 5150

CL 0145

12/10/02 TUE 16:26 FAX 504 589 2444 GTP 002

BANK ONE

COPY

DISCLOSURE STATEMENT

Borrower: GABRIEL T. PORTEOUS, JR.
CARMELLA GIARDINA PORTEOUS
4801 NEYREY DRIVE
METAIRIE, LA 70002

Lender: Bank One, N.A. with Columbus, Ohio as its main office
New Orleans Private Client Services LPO
201 St. Charles
29th Floor
New Orleans, LA 70170

ANNUAL PERCENTAGE RATE The cost of my credit as a yearly rate.	FINANCE CHARGE The dollar amount the credit will cost me.	Amount Financed The amount of credit provided to me or on my behalf.	Total of Payments The amount I will have paid after I have made all payments as scheduled.
8.498%	$14,071.73	$40,053.30	$54,125.03

PAYMENT SCHEDULE. Borrower's payment schedule will be 59 monthly payments of $497.74 each, beginning January 15, 2003; and one payment of $24,758.37 on December 15, 2007.

PROPERTY INSURANCE. I may purchase required property insurance from anyone I want who is authorized to do business in the state of Louisiana.

SECURITY. I am giving a security interest in my home.

LATE CHARGE. If Borrower fails to pay any payment under this Note in full within 10 days of when due, Borrower agrees to pay Lender a late payment fee in an amount equal to 5.000% of the unpaid amount of regularly scheduled payments under this Note or $15.00, whichever is less. Late charges will not be assessed following declaration of default and acceleration of the maturity of this Note.

PREPAYMENT. If I pay off my loan early, I will not have to pay a penalty.

I will look at my contract documents for any additional information about nonpayment, default, any required repayment in full before the scheduled date, and prepayment refunds.

I read and was given a completed copy of this Disclosure Statement on December 5, 2002, prior to signing the Note.

BORROWER:

X _____
GABRIEL T. PORTEOUS, JR., Individually

Amount Financed Itemization

Amount paid to Borrower directly: $40,053.30 Lender's Check # 552-00034-00002-03579		$40,053.30
Note Principal:		$40,053.30
Prepaid Finance Charges:		$0.00
In Cash:	$0.00	
Amount Financed:		$40,053.30

BORROWER'S COPY

CL 0146

P.01

TRANSACTION REPORT

DEC-19-02 THU 05:22 PM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
DEC-19	05:21 PM	8303750	1'24"	3	SEND	OK	482	

TOTAL : 1M 24S PAGES: 3

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Betty H. Morvant

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Fax: (504) 838-8572
E-Mail: clightfoot@claudelightfoot.com

FAX TRANSMISSION

TO: SJ

COMPANY:

FAX NO.: 830-3750

FROM:

DATE:

SUBJECT: Porteous

2 PAGE(S) INCLUDING COVER SHEET

CL 0147

Law and Notarial Offices
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Executive Tower - Suite 450
3500 N. Causeway Boulevard
Metairie, Louisiana 70002

Paralegals
Andrea V. Timpa
Vicki C. Owens

(504) 838-8571
Fax: (504) 838-8572
E-Mail: cel.jr@worldnet.att.net

August 29, 2001

COPY

Judge Gabriel and Carmella Porteous
4801 Neyrey Drive
Metairie, LA 70002

RE: Gabriel T. Porteous and Carmella A. Porteous, USBC 01-12363

Dear Judge and Mrs. Porteous:

I have finalized my analysis of the Claims Register in your case. The bar date for the filing of proofs of claim was August 7, 2001. The following is a summary of those who filed and those who didn't. Remember that it doesn't matter if the secured creditors filed or not as we had no arrears to pay those creditors through the Chapter 13 Plan.

Schedule D Creditors (Secured)

Creditor	Scheduled Amount	Proof of Claim Amount
Bank One	$44,998.59	No Claim Filed
Chrysler Credit	$0	$6,982.57
Chrysler Credit	$0	$6,979.35
Fidelity Homestead	$113,279.54	$109,488.96

Schedule F Creditors (Unsecured)

Creditor	Scheduled Amount	Proof of Claim Amount
Bank of Louisiana	$1,724.23	$1,910.00
Discover	$20,783.26	$22,640.41
MBNA	$29,443.71	$29,443.71
MBNA	$30,931.02	$30,931.02
MBNA	$3,212.80	$5,436.02
~~American Express~~	~~$11,855.57~~	~~$11,855.57~~
Citibank	$17,711.35	$17,711.35
Citibank	$20,719.58	$21,227.06
Dillard's	Not Scheduled	$597.88
Dillard's	$243.14	$251.54
Dillard's	$4,673.92	$5,033.55
Regions Bank	$5000.00	$5,158.98
Chase	$10,196.82	No Claim Filed
Citibank	$23,987.39	No Claim Filed

Correspondence #2

First USA Bank	$6,046.24	No Claim Filed
First USA Bank	$6,757.42	No Claim Filed
J.C. Penney	$2,960.28	No Claim Filed

As I say, the fact that the secured claimants filed or didn't file or filed in amounts different from the amounts scheduled is of no importance because the Chapter 13 Plan provides only that those four debts will be serviced in the normal manner, outside the plan, and there were no arrears on any of those debts at the time of our filing. Long term debts of that nature are not dischargeable in Chapter 13 cases, and in any event, it is your intention to continue to service those debts according to the terms of your agreements with those creditors anyway.

The total amount of unsecured creditor debt that we scheduled for treatment through the Chapter 13 Plan was $196,246.73. It is typical that some of these creditors will file claims in amounts exceeding what we scheduled because of accrued interest and late charges that we were unaware of, and that certainly took place as reflected by the amounts shown on the proofs of claim. The only unusual claim in this group is an unscheduled claim for Dillard's in the amount of $597.98; however, due to the number of creditors in this group who did not file proofs of claim (and therefore will not be participating in the plan payments), the funds dedicated to the unsecured creditor class in our plan will provide a higher dividend than the 27.51 % anticipated. Instead of a total of $196,246.73, as scheduled, the total of unsecured claims as filed is only $152,197.09. When this situation occurs, the Chapter 13 Trustee will typically file a pleading adjusting the percentage upward as the plan will be able to provide a higher percentage of payback to the unsecured creditors due to not all of the scheduled creditors filing proofs of claim. We need not concern ourselves with this adjustment if and when the Chapter 13 Trustee makes it. It will not affect the duration of the plan or the amount of the plan payments. Further, should additional claims be filed, the trustee will object to them for being filed untimely, and the Court will typically disallow them for participation in the plan payments.

In short, none of this affects the viability of our plan whatsoever, and in fact simply verifies my prediction that some of the creditors would negligently fail to file their proofs of claim.

I am attaching my working papers for this analysis--the Schedules D and F with checkmarks for those creditors who filed claims, and the Claims Register showing the claims filed and the amounts we scheduled those debts for. You may notice that some of the account numbers shown on the Claims Register (and on the proofs of claim themselves) do not match with our scheduled account numbers. By reviewing the actual proofs of claim themselves, which I did at the clerk's office, I was able to match up the proofs of claim with our scheduled debts as reflected by my notes on the Claims

Register attached.

If you have any questions about any of this, let me know, and we can sit down and review it in detail.

With warmest personal regards to you both, I am

Very truly yours,

COPY

Claude C. Lightfoot, Jr.

CCL/bmf
Enclosures

OFM B6D
(590)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. 01-12363 Section "A"

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
ACCOUNT NO. [redacted] Bank One P.O. Box 32490 Louisville, KY 40232		C	Second Mortgage Family Home 4801 Neyrey Drive Metairie, LA 70002 VALUE $235,110.00				44,998.59	0.00
ACCOUNT NO. [redacted] Chrysler Credit Corporation P. O. Box 7000 Covington, LA 70434		C	2000 Lease 2000 Jeep Cherokee (Lease) VALUE: NO CASH VALUE				0.00	N/A
ACCOUNT NO. [redacted] Chrysler Credit Corporation P. O. Box 7000 Covington, LA 70434		C	2000 Lease 2000 Jeep Cherokee (Lease) VALUE: NO CASH VALUE				0.00	N/A
ACCOUNT NO. [redacted] Fidelity Homestead Association 222 Baronne Street New Orleans, LA 70112		C	First Mortgage Family Home 4801 Neyrey Drive Metairie, LA 70002 VALUE $235,110.00				113,279.54	0.00

☐ Continuation sheets attached

Subtotal (Total of this page) $158,278.13

Total (Use only on last page) $158,278.13

(Report total also on Summary of Schedules)

CL 0151

FORM B6F (Official Form 6F) - (9/97)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. 01-12363 Section "A"
Debtor (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

☐ Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted] American Express Centurion Bank Suite 0002 Chicago, IL 60679-0002		C	1997-2000 Credit Card				11,855.57
ACCOUNT NO. [redacted] Bank of Louisiana Mastercard P.O. Box 6972 Metairie, LA 70009-6972		C	1997-2000 Credit Card				1,724.23
[redacted]les A. Fontana, III [redacted]ontana & Fontana, L.L.C. 1022 Loyola Avenue New Orleans, LA 70113							
ACCOUNT NO. [redacted] Chase Platinum Mastercard P.O. Box 52050 Phoenix, AZ 85072-2050		C	1997-2000 Credit Card				10,196.82
ACCOUNT NO. [redacted] Citibank Advantage P.O. Box 6408 The Lakes, NV 88901-6408		C	1997-2000 Credit Card				23,887.39
ACCOUNT NO. [redacted] Citibank Advantage P.O. Box 6000 The Lakes, NV 89163-6000		C	1997-2000 Credit Card				20,719.58

3 Continuation sheets attached

Subtotal > $68,483.59

Total >

CL 0152

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. 01-12363 Section "A"
Debtor (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted] Citibank USA P.O. Box 15109 Wilmington, DE 19850-5109 Citifinancial P.O. Box 17127 Baltimore, MD 21297 Edward F. Bukaty, III One Galleria Blvd. Suite 1810 Metairie, LA 70001-2082		C	1997-2000 Credit Card				17,711.35
ACCOUNT NO. [redacted] [redacted]llards P.O. Box 52079 Phoenix, AZ 85072-2079		C	1997-2000 Credit Card				4,673.92
ACCOUNT NO. [redacted] Dillard's P. O. Box 52067 Phoenix, AZ 85072		C	2000 Credit Card				243.14
ACCOUNT NO. [redacted] Discover Platinum P.O. Box 6011 Dover, DE 19903-6011		C	1997-2000 Credit Card				20,783.26

Sheet no. 1 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) > $43,411.67

Total (Use only on last page of the completed Schedule F.) >

CL 0153

FORM B6F - Cont.
(10/89)

In re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. 01-12363 Section "A"
Debtor (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted] First USA Bank P.O. Box 94014 Palatine, IL 60094-4014		C	1997-2000 Credit Card				6,046.24
ACCOUNT NO. [redacted] First USA Bank, N.A. First USA Bank, N.A. P.O. Box 8864 Wilmington, DE 19899-8864		C	1997-2000 Credit Card				6,757.42
ACCOUNT NO. [redacted] J.C. Penney P.O. Box 27570 Albuquerque, NM 87125		C	1997-2000 Credit Card				2,960.28
ACCOUNT NO. [redacted] MBNA America P.O. Box 15137 Wilmington, DE 19886-5137		C	2000-2001 Credit Card ✓				3,212.80
ACCOUNT NO. [redacted] MBNA America P.O. Box 15019 Wilmington, DE 19886-5019		C	1997-2000 Credit Card ✓				30,931.02

Sheet no. 2 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) ▶ $49,907.76

Total (Use only on last page of the completed Schedule F.) ▶

CL 0154

FORM B6F - Cont.
(10/89)

re: Gabriel T. Porteous, Jr. Carmella A. Porteous Case No. 01-12383 Section "A"
Debtor (If known)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR	HUSBAND, WIFE, JOINT OR COMMUNITY	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
ACCOUNT NO. [redacted]		C	1997-2000				29,443.71
MBNA America P.O. Box 15137 Wilmington, DE 19886-5137			Credit Card				
ACCOUNT NO.		C	1999				5,000.00
Regions Bank 301 St. Charles Avenue New Orleans, LA 70130			Personal Loan				

Sheet no. 3 of 3 continuation sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims

Subtotal (Total of this page) > $34,443.71

Total (Use only on last page of the completed Schedule F.) > $196,246.73

(Report also on Summary of Schedules)

U.S. Bankruptcy Court - Eastern District of Louisiana
Claims Register Report

01-12363 In re: Gabriel T. Porteous and Carmella A. Porteous
Case type: bk Chapter: 13 Asset: y Vol: v Case filed: 03/28/01
Judge: William R. Greendyke

01 - 12363	*Debtor Name:* Porteous , Gabriel T. Porteous , Carmella A.	*Last Date to File Claims:* 08/07/01 *Last Date to File (govt):*
Claim Number: 1	*Creditor Name:* Bank of Louisiana Mastercard P O Box 6972 Metairie LA 70009-6972	*Nature of Claim:* *Deficiency:* *Unliquidated:* U
Claim date: 04/23/01	[redacted]	
Amount	Class	Remarks
1,910.00		Sch. at 1724.23
Total: $ 1,910.00		
Amount Allowed: 0.00	*Description:*	*Order Action:*

01 - 12363	*Debtor Name:* Porteous , Gabriel T. Porteous , Carmella A.	*Last Date to File Claims:* 08/07/01 *Last Date to File (govt):*
Claim Number: 2	*Creditor Name:* Fidelity Homestead Association 222 Baronne Street New Orleans LA 70112	*Nature of Claim:* *Deficiency:* *Unliquidated:* S
Claim date: 05/09/01		
Amount	Class	Remarks
109,488.96		Sch. at 113,279.54
Total: $ 109,488.96		
Amount Allowed: 0.00	*Description:*	*Order Action:*

01 - 12363	*Debtor Name:* Porteous , Gabriel T. Porteous , Carmella A.	*Last Date to File Claims:* 08/07/01 *Last Date to File (govt):*
Claim Number: 3	*Creditor Name:* Discover Bank Discover Financial Services P. O. Box 8003 Hilliard, OH 43026	*Nature of Claim:* *Deficiency:* *Unliquidated:* U
Claim date: 05/10/01	[redacted]	
Amount	Class	Remarks
22,640.41		Sch. at 20,783.26
Total: $ 22,640.41		
Amount Allowed: 0.00	*Description:*	*Order Action:*

	Debtor Name: Porteous , Gabriel T.	*Last Date to File Claims:* 08/07/01

01 - 12363	Porteous , Carmella A.	*Last Date to File (govt):*
Claim Number: 4	*Creditor Name:* Chrsyler Financial Corporation Trustee Payment Department #100301 Detroit, MI 48255-1003	*Nature of Claim:* *Deficiency:* y *Unliquidated:* See No. 15
Claim date: 05/15/01		*Amendment:* Amended by 10
Amount	Class	Remarks
6,979.35		
Total: $ 6,979.35		
Amount Allowed: 0.00	*Description:* Original Signature Required	*Order Action:*

01 - 12363	*Debtor Name:* Porteous , Gabriel T. Porteous , Carmella A.	*Last Date to File Claims:* 08/07/01 *Last Date to File (govt):*
Claim Number: 5	*Creditor Name:* Chrsyler Financial Corporation Trustee Payment Department #100301 Detroit, MI 48255-1003	*Nature of Claim:* *Deficiency:* *Unliquidated:* S
Claim date: 05/15/01		
Amount	Class	Remarks
6,982.57		Sch at C
Total: $ 6,982.57		
Amount Allowed: 0.00	*Description:*	*Order Action:*

01 - 12363	*Debtor Name:* Porteous , Gabriel T. Porteous , Carmella A.	*Last Date to File Claims:* 08/07/01 *Last Date to File (govt):*
Claim Number: 6	*Creditor Name:* Max Flow Corp. on behalf of MBNA America Bank, N.A. P. O. Box 2434 Carol Stream, IL 60132-2434	*Nature of Claim:* *Deficiency:* *Unliquidated:* U
Claim date: 05/21/01	[redacted]	
Amount	Class	Remarks
29,443.71		Sch. at 29, 443.71
Total: $ 29,443.71		
Amount Allowed: 0.00	*Description:*	*Order Action:*

01 - 12363	*Debtor Name:* Porteous , Gabriel T. Porteous , Carmella A.	*Last Date to File Claims:* 08/07/01 *Last Date to File (govt):*
Claim Number: 7	*Creditor Name:* Max Flow Corp. on behalf of MBNA America Bank, N.A. P. O. Box 2434 Carol Stream, IL 60132-2434	*Nature of Claim:* *Deficiency:* *Unliquidated:* U
Claim date: 05/21/01	[redacted]	
Amount	Class	Remarks
30,931.02		Sch. at 30,931.02
Total: $ 30,931.02		

Amount Allowed: 0.00	*Description:*	*Order Action:*

01 - 12363	*Debtor Name:* Porteous , Gabriel T. Porteous , Carmella A.	*Last Date to File Claims:* 08/07/01 *Last Date to File (govt):*
Claim Number: 8	*Creditor Name:* Max Flow Corp. on behalf of MBNA America Bank, N.A. P. O. Box 2434 Carol Stream, IL 60132-2434	*Nature of Claim:* *Deficiency:* *Unliquidated:* U
Claim date: 05/21/01	[redacted]	
Amount	Class	Remarks
5,436.02		Sch. at 3,212.80
Total: $ 5,436.02		
Amount Allowed: 0.00	*Description:*	*Order Action:*

01 - 12363	*Debtor Name:* Porteous , Gabriel T. Porteous , Carmella A.	*Last Date to File Claims:* 08/07/01 *Last Date to File (govt):*
Claim Number: 9	*Creditor Name:* American Express Centurion Bank Optima Card c/o Becket & Lee LLP P. O. Box 3001 Malvern, PA 19355-0701	*Nature of Claim:* *Deficiency:* *Unliquidated:* U
Claim date: 05/21/01	[redacted]	
Amount	Class	Remarks
11,855.57		Sch. at 11,855.57
Total: $ 11,855.57		
Amount Allowed: 0.00	*Description:*	*Order Action:*

01 - 12363	*Debtor Name:* Porteous , Gabriel T. Porteous , Carmella A.	*Last Date to File Claims:* 08/07/01 *Last Date to File (govt):*
Claim Number: 10	*Creditor Name:* Chrsyler Financial Corporation Trustee Payment Department #100301 Detroit, MI 48255-1003	*Nature of Claim:* *Deficiency:* *Unliquidated:* S
Claim date: 05/21/01		*Amendment:* Amendment of 4
Amount	Class	Remarks
6,979.35		
Total: $ 6,979.35		
Amount Allowed: 0.00	*Description:* Corrected Signature	*Order Action:*

01 - 12363	*Debtor Name:* Porteous , Gabriel T. Porteous , Carmella A.	*Last Date to File Claims:* 08/07/01 *Last Date to File (govt):*
Claim Number: 11	*Creditor Name:* CitiFinancial / Citibank / Associates Kentucky Finance / Avco P.O. Box 17099	*Nature of Claim:* *Deficiency:* *Unliquidated:* U

	Baltimore, MD 21297	
Claim date: 05/25/01	[redacted]	
Amount	Class	Remarks
17,711.35		Sch. at 17,711.35
Total: $ 17,711.35		
Amount Allowed: 0.00	Description:	Order Action:

01 - 12363	Debtor Name: Porteous , Gabriel T. Porteous , Carmella A.	Last Date to File Claims: 08/07/01 Last Date to File (govt):
Claim Number: 12	Creditor Name: Citibank(South Dakota), N.A. Citibank/CHOICE Exception Payment Processing P. O. Box 6305 The Lakes, NV 88901-6305	Nature of Claim: Deficiency: Unliquidated: U
Claim date: 06/29/01	[redacted]	
Amount	Class	Remarks
21,227.06		Sch. at 21,719.58
Total: $ 21,227.06		
Amount Allowed: 0.00	Description:	Order Action:

01 - 12363	Debtor Name: Porteous , Gabriel T. Porteous , Carmella A.	Last Date to File Claims: 08/07/01 Last Date to File (govt):
Claim Number: 13	Creditor Name: Dillard National Bank P. O. Box 52051 Phoenix, AZ 85072-2051	Nature of Claim: Deficiency: Unliquidated: U
Claim date: 07/02/01	[redacted]	
Amount	Class	Remarks
597.88		Not Scheduled
Total: $ 597.88		
Amount Allowed: 0.00	Description:	Order Action:

01 - 12363	Debtor Name: Porteous , Gabriel T. Porteous , Carmella A.	Last Date to File Claims: 08/07/01 Last Date to File (govt):
Claim Number: 14	Creditor Name: Dillard National Bank P. O. Box 52051 Phoenix, AZ 85072-2051	Nature of Claim: Deficiency: Unliquidated: U
Claim date: 07/02/01	[redacted]	
Amount	Class	Remarks
251.54		Sch. at 243.14
Total: $ 251.54		
Amount Allowed: 0.00	Description:	Order Action:

01 - 12363	*Debtor Name:* Porteous , Gabriel T. Porteous , Carmella A.	*Last Date to File Claims:* 08/07/01 *Last Date to File (govt):*
Claim Number: 15	*Creditor Name:* Dillard National Bank P. O. Box 52051 Phoenix, AZ 85072-2051	*Nature of Claim:* *Deficiency:* *Unliquidated:* U
Claim date: 07/02/01	[redacted]	
Amount	Class	Remarks
5,033.55		Sch. at 4,173.92
Total: $ 5,033.55		
Amount Allowed: 0.00	*Description:*	*Order Action:*

01 - 12363	*Debtor Name:* Porteous , Gabriel T. Porteous , Carmella A.	*Last Date to File Claims:* 08/07/01 *Last Date to File (govt):*
Claim Number: 16	*Creditor Name:* Regions Bank Gerard O. Salassi, IV 212 Veterans Blvd. Metairie, LA 70005	*Nature of Claim:* *Deficiency:* *Unliquidated:* U
Claim date: 08/06/01		
Amount	Class	Remarks
5,158.98		Sch. at 5,000.00
Total: $ 5,158.98		
Amount Allowed: 0.00	*Description:*	*Order Action:*

Report Criteria

Claim Number(s):	All

End of Claims Register Report

PACER Service Center			
Transaction Receipt			
08/29/2001 10:26:30			
PACER Login:	cc0405	Client Code:	
Description:	claim register	Case Number:	2001-12363
Billable Pages:	1	Cost:	0.07

Need help? Try the PACER User's Guide.

For information or comments, please contact Pacer Service Center

PACER Home.

Statement

Despite my best efforts to repay my debts, I was unable to meet the demands of my creditors, and therefore, like more than one million three hundred thousand Americans last year, I have turned to Chapter 13 as a way to manage my debts and pay them under a court-approved plan.

Put in Porteous File

Statement

Despite my best efforts to make headway in reducing my debts to a manageable level, I have been beset by financial distress as have more than one million three hundred thousand Americans during the last year. Like many others across the entire spectrum of our society, I have turned to Chapter 13 to provide a means by which the debts can be managed and paid under a court-approved plan.

The recent filing of my Chapter 13 petition is a personal, private and family matter. The petition to restructure my debts was filed only after numerous unsuccessful attempts to resolve the situation. I have had to seek this proper and legal relief, as have hundreds of thousands of others. Chapter 13 provides for the payment of debts pursuant to a court approved plan. Except for my position, my petition is no more newsworthy than countless others.

Perfect
File

The recent filing of my Chapter 13 petition is a personal, private and family matter. The petition to restructure my debts was filed only after numerous unsuccessful attempts to resolve the situation. I have had to seek this proper and legal relief, as have hundreds of thousands of others. Chapter 13 provides for the payment of debts pursuant to a court approved plan. Except for my position, my petition is no more newsworthy than countless others.

Law and Notarial Offices
Claude C. Lightfoot, Jr., P. C.
A Professional Law Corporation
Executive Tower - Suite 450
3500 N. Causeway Boulevard
Metairie, Louisiana 70002

Paralegals
Andrea V. Timpa
Vicki C. Owens

(504) 838-8571
Fax: (504) 838-8572
E-Mail: ccl.jr@worldnet.att.net

June 26, 2001

Judge Gabriel and Carmella Porteous
4801 Neyrey Drive
Metairie, LA 70002

RE: Gabriel T. Porteous and Carmella A. Porteous, USBC 01-12363

Dear Judge and Mrs. Porteous:

I enclose a copy of the Chapter 13 Trustee's Summary and Analysis of Chapter 13 Plan and his proposed Order of Confirmation. I will send you a copy of the final order as soon as we receive it from Houston.

With warmest personal regards to you both, I am

Very truly yours,

COPY

Claude C. Lightfoot, Jr.

CCL/bmf
Enclosures

Law and Notarial Offices
Claude C. Lightfoot, Jr., P. C.
A Professional Law Corporation
Executive Tower - Suite 450
3500 N. Causeway Boulevard
Metairie, Louisiana 70002

Paralegals
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(504) 838-8571
Fax: (504) 838-8572
E-Mail: cclj.jr@worldnet.att.net

June 18, 2001

S.J. Beaulieu, Jr.
433 Metairie Road
Suite 515
Metairie, LA 70005

RE: Gabriel T. Porteous and Carmella A. Porteous, USBC 01-12363, Section "A"

Dear S.J.:

I enclose a copy of the Affidavit in Support of Attorney's Fees which I have filed in the above case.

Very truly yours,

COPY

Claude C. Lightfoot, Jr.

CCL/bmf
Enclosure
cc: Gabriel and Carmella Porteous

[redacted]
JUDGE OR MRS. G. THOMAS PORTEOUS
4801 NEYREY DR. PH. 455-5879
METAIRIE, LA 70002

84-13/654 53234
6902379554

4091

DATE 5-25-01

PAY TO THE ORDER OF Chrysler Financial $ 330.00

Three Hundred Thirty & no cents DOLLARS

BANK ONE. Value One℠
Bank One, Louisiana, NA
Baton Rouge, LA 70801

MEMO MAY PAYMENT Mrs. G.T. Porteous Jr.

[redacted] 4091

[redacted]
JUDGE OR MRS. G. THOMAS PORTEOUS
4801 NEYREY DR. PH. 455-5879
METAIRIE, LA 70002

84-13/654 53234
6902379554

4090

DATE 5-25-01

PAY TO THE ORDER OF Chrysler Financial $ 330.15

Three Hundred & 15/100 Thirty DOLLARS

BANK ONE. Value One℠
Bank One, Louisiana, NA
Baton Rouge, LA 70801

MEMO MAY PAYMENT Mrs. G.T. Porteous Jr.

[redacted] 4090

CL 0167

Correspondence #6

Law and Notarial Offices
Claude C. Lightfoot, Jr., P. C.
A Professional Law Corporation
Executive Tower - Suite 450
3500 N. Causeway Boulevard
Metairie, Louisiana 70002

Paralegals
Andrea V. Timpa
Vicki C. Owens

(504) 838-8571
Fax: (504) 838-8572
E-Mail: cccl.jr@worldnet.att.net

May 29, 2001

COPY

Judge Gabriel and Carmella Porteous
4801 Neyrey Drive
Metairie, LA 70002

RE: Gabriel T. Porteous and Carmella A. Porteous, USBC 01-12363, Section "A"

Dear Judge and Mrs. Porteous:

Enclosed is a Court-stamped copy of your final amended Chapter 13 plan with amended Schedule J. This is the version which was confirmed by the Court today, and under it, our obligations are as follows. **DO NOT SEND PAYMENTS TO ANYONE EXCEPT THOSE LISTED BELOW.**

CHAPTER 13 TRUSTEE	AMOUNT	DUE DATE
S.J. BEAULIEU, JR. Chapter 13 Trustee P. O. Box 6537 New York, NY 10249	$1,600.00	April 28, 2001 and monthly thereafter
SECURED CREDITOR	**AMOUNT**	**DUE DATE**
Fidelity Homestead Association	$1,429.00	April 1, 2001 and monthly thereafter
SECURED CREDITOR	**AMOUNT**	**DUE DATE**
Bank One	$495.00	April 1, 2001(or normal due date) and monthly thereafter
CAR LEASE	**AMOUNT**	**DUE DATE**
Chrysler Credit Corporation	$330.00	April 1, 2001(or normal due date) and monthly thereafter
CAR LEASE	**AMOUNT**	**DUE DATE**
Chrysler Credit Corporation	$330.00	April 1, 2001(or normal due date) and monthly thereafter

Please make all payments listed above timely and keep proof of your payments for your records should we ever need them. Make your secured creditor payments as you normally have in the past, beginning with the next due date after your Chapter 13 petition was filed, as indicated above. Please pay the Trustee by sending a money order or cashier's check to the above address. THE TRUSTEE WILL NOT ACCEPT PERSONAL CHECKS! If you have any questions, please telephone our office.

Judge Gabriel and Carmella Porteous
May 29, 2001
Page 2

I hand delivered the April and May plan payments to the trustee today, so you are not due with another until June 28, 2001.

Finally, as I mention above, the plan was confirmed today on Judge Jerry A. Brown's order. Judge Brown sat in for Judge Brahney, who was out due to his convalescence from surgery.

The trustee has continued for two weeks his objection to my attorney's fees, but that did not affect confirmation of the plan, which went forward today. I will file a memorandum responding to the trustee's objection to my fees, and the trustee will either withdraw his objection or the Court will rule on it in two weeks. But that is my problem, and the results handed down by the Court will not affect the plan or its confirmation.

With best personal regards to you both, I am

Very truly yours,

COPY

Claude C. Lightfoot, Jr.

CCLjr/bmf
Enclosure

PROCEEDINGS MEMO FOR CHAPTER 13 MEETING OF CREDITORS

Date: 5-9-01

Debtor(s) Present: N

Continuation: NO

Documents Requested by Trustee:

Amendments Required:

Changes to Plan Made at Meeting by Trustee:

CL 0170

Correspondence #8

Law and Notarial Offices
Claude C. Lightfoot, Jr., P. C.
A Professional Law Corporation
Executive Tower - Suite 450
3500 N. Causeway Boulevard
Metairie, Louisiana 70002

Paralegals
Andrea V. Timpa
Vicki C. Owens

(504) 838-8571
Fax: (504) 838-8572
E-Mail: cel.jr@worldnet.att.net

April 27, 2001

Mr. & Mrs. Gabriel Porteous, Jr.
P. O. Box 1723
Harvey, LA 70059

RE: Chapter 13 § 341 Meeting of Creditors

Dear Mr. & Mrs. Porteous:

The hearing on your Chapter 13 Bankruptcy case has been set for May 9, 2001, at 9:30 a.m., at the hearing room of the Office of the United States Trustee, 400 Poydras Street, Room 2112, in downtown New Orleans. **It is very important that both debtors (if a joint filing) be at the hearing and be there on time. Failure of the debtors to appear will result in the trustee bringing a motion to dismiss the case entirely.** Parking may be difficult, so plan to leave early so that you will be on time.

Your Chapter 13 Plan payment is $875.00 per month. Your first payment was due April 28, 2001; if you have not already sent your first payment in the form of a money order to the trustee, send it as well as any other payments which might be already due to the trustee by the proper due date by making the money orders payable to and mailed to:

S. J. Beaulieu, Jr.
Chapter 13 Trustee
P. O. Box 6537
New York, NY 10249

All payments must be in the form of a money order or cashier's check; no personal or business checks will be accepted by the trustee.

Claude C. Lightfoot, Jr.

Law and Notarial Offices
Claude C. Lightfoot, Jr., P. C.
A Professional Law Corporation
Executive Tower - Suite 450
3500 N. Causeway Boulevard
Metairie, Louisiana 70002

Paralegals
Andrea V. Timpa
Vicki C. Owens

(504) 838-8571
Fax: (504) 838-8572
E-Mail: ccl.jr@worldnet.att.net

April 10, 2001

Judge Gabriel and Carmella Porteous
4801 Neyrey Drive
Metairie, LA 70002

RE: Gabriel T. Porteous and Carmella A. Porteous, USBC 01-12363, Section "A"

Dear Judge and Mrs. Porteous:

I enclose a copy of the amended petition, correcting your names and address, and a copy of the Chapter 13 Schedules and Plan which I have filed on your behalf.

With warmest personal regards to you both, I am

Very truly yours,

COPY

Claude C. Lightfoot, Jr.

CCL/bmf
Enclosures

JUDGE OR MRS. G. THOMAS PORTEOUS
4801 NEYREY DR. PH. 455-5879
METAIRIE, LA 70002

84-1253234
654
0802278554

4031

DATE 3/28/01

PAY TO THE ORDER OF Claudi Lightfoot $ 185.00

One Hundred Eighty-Five 00/100 DOLLARS

BANK ONE. Value One™
Bank One, Louisiana, NA
Baton Rouge, LA 70801

MEMO Filing Fee

[redacted] 4031

Law and Notarial Offices
Claude C. Lightfoot, Jr., P. C.
A Professional Law Corporation
Executive Tower - Suite 460
3500 N. Causeway Boulevard
Metairie, Louisiana 70002

Paralegals
Andrea V. Timpa
Vicki C. Owens

(504) 838-8571
Fax: (504) 838-8572
E-Mail: ccl.jr@worldnet.att.net

December 21, 2000

Judge Gabriel and Carmella Porteous
4801 Neyrey Drive
Metairie, LA 70002

RE: Workout Proposal

Dear Judge and Mrs. Porteous:

I enclose a copy of the letters and one copy of the attachments I included with each that I have sent to all of the unsecured creditors, with the exception of Regions Bank which we wanted to exclude, proposing the workout of the debts to each by settlement and release as opposed to the filing of bankruptcy. I have had positive response to the possibility of a workout from several of the companies when I had an opportunity to explain the proposal in concept to them by telephone. Of course, they all must go along, or at least the majority of the creditors with the large balances, to make the plan feasible.

The bankruptcy reform bill was vetoed by President Clinton as you may have heard, so a bit of pressure is relieved there; however, the new administration will get to the reform issues again during the next Congress, but probably not right away with the other priorities focussed on in the presidential campaigns.

I will be out of town on vacation until January 9, 2001, so let me wish both of you and your families the most wonderful and peaceful of Christmas seasons, and I will be keeping my fingers crossed that the creditors see the light of our proposal while I am gone.

With warmest personal regards to you both, I am

Very truly yours,

COPY

Claude C. Lightfoot, Jr.

CCL/bmf
Enclosures

Correspondence #12

United States District Court
Eastern District of Louisiana
500 Camp Street
New Orleans, Louisiana 70130

Chambers of
G. Thomas Porteous, Jr.
U.S. District Judge

RECEIVED
AUG 29 2000

Dear Claude,

We received the enclosed letter on Saturday.

Thanks

Tom

Correspondence #13

The Chase Manhattan Bank
P O Box 9074
Hicksville, NY 2-9074

CHASE

CARMELLA G PORTEOUS 032447 AUGUST 26, 2000
4801 NEYREY DR
METAIRIE, LA 70002-1426

Dear Carmella G Porteous, Account No: [redacted]

This letter is in response to your recent correspondence concerning your Chase credit account referenced above.

Unfortunately, due to the information you provided, we have been forced to close your account(s). Please be advised that we would like to assist you in this situation. Please contact us to discuss possible repayment options. A Chase Representative is available to help you between the hours of 8:00 AM to 11:00 PM, Monday through Thursday, Friday, 8:00 AM to 10:00 PM, Saturday 8:00 AM to 4:45 PM and Sunday, 9:30 AM to 6:15 PM EST at 800-645-7444*.

A Chase Representative is available to help you between the hours of 8:00 AM to 11:00 PM, Monday through Thursday, Friday, 8:00 AM to 9:00 PM, Saturday 8:00 AM to 5:00 PM, and Sunday 12:00 PM to 9:00 PM EST at 800-645-7444*.

Sincerely,

Kevin Gieraltowski
Collection Department

CL 0176

ACCOUNT IS OWNED BY CHASE MANHATTAN BANK USA, N.A. AND MAY BE SERVICED BY ITS AFFILIATES.
*CALLS MAY BE MONITORED AND/OR RECORDED TO ENSURE THE HIGHEST LEVEL OF QUALITY SERVICE.

~~CREDIT CARD PROCESS S CENTER~~
P.O. BOX 15085
WILMINGTON, DE 19850-5085

Credit Card Processing Center

August 7, 2000

Citibank

GABRIEL T PORTEOUS JR
US DISTRICT COURT
500 CAMP ST,SECTION T
NEW ORLEANS LA 70130-3313

RE: [redacted]
Current Payment Due: $636.00

Amount Delinquent: $314.00
Current Balance: $16,088.34

Dear Gabriel T Porteous Jr,

JUST A REMINDER !

We have not received a payment for your account. If you have already mailed your payment, please accept our thanks and disregard this notice.

If you have not mailed your payment, it is important that you send your payment immediately to the address shown below. Please be sure to clearly print your account number on your check to ensure proper credit to your account.

Denise Theodore

Denise Theodore
Customer Service Department

To ensure proper credit to your account, please enclose this portion of the letter with your check or money order made payable to Citibank Usa.

Gabriel T Porteous Jr
Acct# [redacted]
Amt. Enclosed $_____

Mail payments to P.O.Box 6214, Carol Stream, IL 60197-6214

This notice is an attempt to collect a debt and any information obtained will be used for that purpose.

Notice to California Residents

As required by California law, you are hereby notified that a negative credit report reflecting on your credit records may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

CL 0177

Correspondence #14

BANK ONE

BANK ONE, LOUISIANA
P.O. BOX 32490 800 777-8837
LOUISVILLE, KY 40232

Collateral Mortgage ?

05/10/00

GABRIEL THOMAS PORTEOUS JR
CARMELLA GIARDINA PORTEOUS
4801 NEYREY DR
METAIRIE LA70002

Dear BANK ONE Loan Customer:

As you requested, BANK ONE will withdraw the amount of your instalment loan payment from the Checking account you specified. The amount of your payment is $493.95. Your first automatic payment is scheduled for 06/09/00 and will continue each due date.

Please take the time to verify the following information. If there are any problems please call BANK ONE, LOUISIANA, NA at the number listed on the top of this notice.

CURRENT LOAN INFORMATION

INSTALMENT LOAN NUMBER [redacted]

CURRENT INTEREST RATE : 8.500%
YOUR INTEREST RATE IS : FIXED
CURRENT LOAN BALANCE : $ 45,710.35
SCHEDULED(a) NUMBER OF PAYMENTS REMAINING : 031
LAST SCHEDULED PAYMENT DATE: 12/09/02

(a) The scheduled number of payments is based on a fixed interest rate and all previous payments made on the due date. If your interest rate is variable or any previous payments were made on a day other than the due date, the actual number of payments may be more or less than the number scheduled.

AUTOMATIC PAYMENT INFORMATION
DEPOSIT ACCOUNT NUMBER: [redacted]
YOUR BANK S ROUTING TRANSIT #:
ACCOUNT TYPE: CHECKING
PAYMENT AMOUNT: $ 493.95
FIRST AUTOMATIC PAYMENT DATE: 06/09/00

CL 0178

Correspondence #15

BANK ONE

CUSTOMER SERVICE
1-800-945-2005 (INSIDE US)
1-614-248-3673 (OUTSIDE US) call collect
1-888-446-3308 (en Espanol)
www.bankone.com

BILLING INQUIRY
P.O. BOX 8864
WILMINGTON, DE 19899-8864

PAYMENT ADDRESS
P.O. BOX 94014
PALATINE IL 60094-4014

ACCOUNT NUMBER	TOTAL CREDIT LINE	CASH ADVANCE CREDIT LINE†	AVAILABLE CREDIT	AVAILABLE PORTION FOR CASH ADVANCES	PAYMENT DUE DATE	CLOSING DATE
[redacted]	7,100	7,100	398	398	07/28/00	07/03/00

CARDMEMBER ACTIVITY SUMMARY

TRANS. DATE	POST. DATE	REFERENCE NUMBER	MERCHANT NAME OR TRANSACTION DESCRIPTION	AMOUNT
06/24	06/24	74733161710293WF33	PAYMENT - THANK YOU	170.00CR
07/03	07/03		PERIODIC RATE *FINANCE CHARGE*	126.09

PREVIOUS BALANCE	+ PURCHASES, FEES AND ADJUSTMENTS	+ CASH ADVANCES	+ FINANCE CHARGES	- PAYMENTS AND CREDITS	NEW BALANCE
6,745.46	0.00	0.00	126.09	170.00	6,701.55

FINANCE CHARGE SUMMARY	AVERAGE DAILY BALANCE		DAILY PERIODIC RATE	CORRESPONDING ANNUAL PERCENTAGE RATE	PERIODIC FINANCE CHARGE
	CURRENT CYCLE	PREVIOUS CYCLE			
PURCHASES	6,707.90	0.00	.05835%	21.30%	125.24
CASH	45.65	0.00	.05835%	21.30%	0.85

EFFECTIVE ANNUAL PERCENTAGE RATE 22.40% TOTAL PERIODIC FINANCE CHARGE 126.09

* Corresponding APR is the rate of interest you pay when you carry a balance on purchases and cash advances. The Effective APR represents your total finance charges - including transaction fees such as cash advance and balance transfer fees - expressed as a percentage.
† Cash Advance Credit Line may be a portion of your total Credit Line.
See reverse side for important information including notice about annual renewal.
First USA Bank, N.A. is the issuer of this account.

First USA Bank, N.A.
Member FDIC

Bank One

5430 R3D 1 1 7 Page 1 of 1 1811 6000 57EL 0015 000703 01G35630 32196

Thank you for continuing to use your Bank One Credit Card. We value the relationship we have built with you and your continued business is important to us. Please let us know if there is anything we can do to service your account.

From the Desk of

G. Thomas Porteous, Jr.
U.S. District Judge

Citibank | GABRIEL T. P, Jr. [redacted] 15,688.16 ✓
M/C [redacted] 6701.55 ✓
BANK ONE
M/C ✓

G. T. PORTEOUS, Jr.
MBNA [redacted] 25,868.19 ✓

G. THOMAS PORTEOUS
CITIBANK [redacted] 22,019.53 ✓

G THOMAS PORTEOUS, Jr.
A.E
OPTIMA [redacted] 11406.22 ✓

HIBERNIA [redacted] 4892.00

MBNA [redacted] 26382.87 ✓

CL 0180

FIDELITY HMSTD. BALANCE AS OF 12-31-99
4801 VEYREY DR. 118,268.19 ✓
MET, LA. 70002

Correspondence #17

MTG. BANK ONE
ACCT # [redacted] BALANCE APPROX 40,000

From the Desk of

G. Thomas Porteous, Jr.
U.S. District Judge

CARMELLA PORTEOUS

CITIBANK [redacted] $19,782.79 ✓

CHASE M/C CARMELLA G. PORTEOUS [redacted] $9,414.23 ✓

DISC. CARMELLA G. PORTEOUS [redacted] $20,284.75

Total

162,440.24

CITIBANK ADVANTAGE (CARMELLA)

Acct. # [redacted]

BOX 6000
THE LAKES, N.V. 89163 - 6000

Phone 1-888-766-2484

CHASE PLATINUM MASTER CARD (CARMELLA)

Acct. # [redacted]

P.O. BOX 52050
PHOENIX, AZ. 85072-2050

Phone 1-800-334-0601

J.C. PENNY

Acct. # [redacted] $2425.76

P.O. BOX 27570
ALBUQUERQUE, N.M. 87125

Phone 1-800-527-7711

DILLARDS (GABRIEL) 280.63
5060.98

Acct # [redacted]

P.O. BOX 52079
PHOENIX, AZ. 85072-2079

Phone # 1-800-643-8278

Discover Platinum (Carmella)

Acct # [redacted]

P.O. Box 6011
Dover, De. 19903-6011

Phone # 1-800-347-2683

Master Card (Bank of La.) (Gabriel T.)

acct # [redacted]

P.O. Box 6972
Metairie, LA. 70009-6972

$1373.69

Phone # 504-889-9410
1-800-666-6737

Regions Bank $5000
unsecured loan
due 1/13/01

CL 0183

Fleet
P.O.BOX 15480
WILMINGTON DE 19850

Account Number	[redacted]0658
Minimum Payment Due	22.00
Past Due Amount	0.00
Payment Due Date	02/13/01
New Balance	1,144.46

Amount Enclosed

Make Payment To:

FLEET CREDIT CARD SERVICE
PO BOX 15368
WILMINGTON DE 19886-5368

!!988653681871

CARMELLA G PORTEOUS
4801 NEYREY DR
METAIRIE LA 70002-1426

37669

!700021426017!

[redacted]

DETACH TOP PORTION AND RETURN WITH PAYMENT

Fleet

For Customer Service call:
1-800-492-2500
or write: PO BOX 15480
WILMINGTON DE 19850-3839

PAYMENT INFORMATION

Account Number	[redacted]0658
Minimum Payment Due	22.00
Amount Past Due	0.00
Amount Over Credit Limit	0.00
Payment Due Date	02/13/01

ACCOUNT SUMMARY

Previous Balance	$38.09
(+) Purchases & Cash Advances	1,144.46
(-) Payments & Credits	38.09
(+) Debit Adjustments	0.00
(+) FINANCE CHARGES & Fees	0.00
(=) New Balance	$1,144.46

Total Credit Limit	Total Available Credit	Cash Advance Credit Limit	Cash Advance Available Credit	Days In Billing Cycle	Billing Cycle Closing Date
8,000	6,855	4,000	4,000	30	01/17/01

ACCOUNT TRANSACTIONS

Transaction Date	Posting Date	Reference Number	Description	Amount
01/01	01/01	88427910265EPNLOZ	EMBASSY SUITES VAC RES S LAKE TAHOE CA	1,144.46
01/07	01/07	85447190723H1GKDJ	PAYMENT - THANK YOU	38.09 -

	Average Daily Balance	Nominal Annual Percentage Rate	Promotional Outstanding Balance	Daily Periodic Rate	FINANCE CHARGES Due to Daily Periodic Rate	FINANCE CHARGES Transaction Fees
PURCHASES	$0.00	18.92%	N/A	.05182%	$0.00	$0.00
CASH ADVANCES	$0.00	21.42%	N/A	.05867%	$0.00	$0.00

ANNUAL PERCENTAGE RATE for purchases 18.92% ANNUAL PERCENTAGE RATE for cash advances 21.42%

If you have a variable rate account, your periodic rates may vary.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

HP Exhibit 140

Fleet
P.O.BOX 15480
WILMINGTON DE 19850

Account Number	[redacted]0658
Minimum Payment Due	25.00
Past Due Amount	0.00
Payment Due Date	03/15/01
New Balance	1,251.07

Amount Enclosed

Make Payment To:

FLEET CREDIT CARD SERVICE
PO BOX 15368
WILMINGTON DE 19886-5368

!198865368187!

CARMELLA G PORTEOUS
4801 NEYREY DR
METAIRIE LA 70002-1426

39461

!7000214260 17!

[redacted]

DETACH TOP PORTION AND RETURN WITH PAYMENT

Fleet

For Customer Service call:
1-800-492-2500
or write: PO BOX 15480
WILMINGTON DE 19850-3839

PAYMENT INFORMATION

Account Number	[redacted]0658
Minimum Payment Due	25.00
Amount Past Due	0.00
Amount Over Credit Limit	0.00
Payment Due Date	03/15/01

ACCOUNT SUMMARY

Previous Balance	$1,144.46
(+) Purchases & Cash Advances	402.40
(-) Payments & Credits	315.00
(+) Debit Adjustments	0.00
(+) FINANCE CHARGES & Fees	19.21
(=) New Balance	$1,251.07

Total Credit Limit	Total Available Credit	Cash Advance Credit Limit	Cash Advance Available Credit	Days In Billing Cycle	Billing Cycle Closing Date
8,000	6,748	4,000	4,000	30	02/16/01

ACCOUNT TRANSACTIONS

Transaction Date	Posting Date	[redacted]	Description	Amount
02/04	02/04	[redacted]	SAV-A-CENTER #056 SD9 METAIRIE LA	212.80
02/07	02/07	[redacted]	PAYMENT - THANK YOU	100.00 -
02/11	02/11	[redacted]	TICKETMASTER*TICKETCNT ORLANDO FL	189.60
02/15	02/15	[redacted]	PAYMENT - THANK YOU	215.00 -
02/16	02/16	[redacted]	PURCHASES $19.21 CASH ADVANCE $0.00	19.21

INFORMATION FOR YOU

KEEPING YOU INFORMED IS IMPORTANT TO US. EVEN IF YOU DO NOT CURRENTLY HAVE A BALANCE, WE'VE ENCLOSED WITH THIS STATEMENT AN IMPORTANT LEGAL NOTICE CONTAINING AN ARBITRATION PROVISION THAT MAY BECOME PART OF YOUR CARDHOLDER AGREEMENT. PLEASE READ THIS IMPORTANT DOCUMENT AND KEEP IT FOR YOUR RECORDS.

	Average Daily Balance	Nominal *Annual Percentage Rate*	Promotional Outstanding Balance	Daily Periodic Rate	FINANCE CHARGES Due to Daily Periodic Rate	FINANCE CHARGES Transaction Fees
PURCHASES	$1,235.82	18.92%	N/A	.05182%	$19.21	$0.00
CASH ADVANCES	$0.00	21.42%	N/A	.05867%	$0.00	$0.00

ANNUAL PERCENTAGE RATE for purchases 18.92% ANNUAL PERCENTAGE RATE for cash advances 21.42%

If you have a variable rate account, your periodic rates may vary.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

5311 MGD 1 12 7 Page 1 of 1 6881 5100 050X 0058 010216 0658 01AB5311 39461

459

SC EXHIBIT - 00021

Fleet
P.O.BOX 15480
WILMINGTON DE 19850

Account Number	[redacted]
Minimum Payment Due	21.00
Past Due Amount	0.00
Payment Due Date	04/15/01
New Balance	1,088.41

Amount Enclosed

Make Payment To:

FLEET CREDIT CARD SERVICE
PO BOX 15368
WILMINGTON DE 19886-5368

!!9886536818?!

CARMELLA G PORTEOUS
4801 NEYREY DR
METAIRIE LA 70002-1426

50790

!700021426017!

[redacted]

DETACH TOP PORTION AND RETURN WITH PAYMENT

Fleet

For Customer Service call:
1-800-492-2560
or write: PO BOX 15480
WILMINGTON DE 19850-5480

PAYMENT INFORMATION

Account Number	[redacted]
Minimum Payment Due	21.00
Amount Past Due	0.00
Amount Over Credit Limit	-0.00
Payment Due Date	04/15/01

ACCOUNT SUMMARY

Previous Balance	$1,251.07
(+) Purchases & Cash Advances	162.50
(-) Payments & Credits	370.00
(+) Debit Adjustments	0.00
(+) FINANCE CHARGES & Fees	24.84
(=) New Balance	$1,068.41

Total Credit Limit	Total Available Credit	Cash Advance Credit Limit	Cash Advance Available Credit	Days In Billing Cycle	Billing Cycle Closing Date
1,200	111	600	111	31	03/19/01

ACCOUNT TRANSACTIONS

Transaction Date	Posting Date	Reference Number	Description	Amount
03/05	03/05	85447182202VUJEDH3	PAYMENT - THANK YOU	370.00 -
03/06	03/06	2346307223381GJGWK	T & T STORE METAIRIE LA	24.51
03/08	03/08	80435623353ZNXXH1L	GCA*HARRAH'S NEW ORLEA 800-544-0439 LA	157.99
03/19	03/19	"FINANCE CHARGE"	PURCHASES $24.84 CASH ADVANCE $0.00	24.84

INFORMATION FOR YOU

BASED UPON A REVIEW OF YOUR FINANCIAL PROFILE,
WE HAVE REDUCED YOUR CREDIT LIMIT. REFER TO
THIS STATEMENT FOR YOUR NEW LIMIT.

ENCLOSED IS OUR NEW PRIVACY POLICY, WHICH DESCRIBES OUR PRIVACY COMMITMENT TO YOU. THIS NEW POLICY REPLACES ANY OTHER DISCLOSURES FIRST MADE BEFORE MARCH 1, 2001 REGARDING OUR INFORMATION PRACTICES.

KEEPING YOU INFORMED IS IMPORTANT TO US. EVEN IF YOU DO NOT CURRENTLY HAVE A BALANCE, WE'VE ENCLOSED WITH THIS STATEMENT AN AMENDMENT TO YOUR FLEET CARDHOLDER AGREEMENT.

	Average Daily Balance	Nominal Annual Percentage Rate	Promotional Outstanding Balance	Daily Periodic Rate	FINANCE CHARGES Due to Daily Periodic Rate	FINANCE CHARGES Transaction Fees
PURCHASES	$1,153.56	18.92%	N/A	.05182%	$18.53	$6.31
CASH ADVANCES	$0.00	21.42%	N/A	.05867%	$0.00	$0.00

ANNUAL PERCENTAGE RATE for purchases 25.84% ANNUAL PERCENTAGE RATE for cash advances 21.42%

If you have a variable rate account, your periodic rates may vary.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

5311 MGD 1 12 7 Page 1 of 1 0001 3100 050X 0002 010319 0858 CH=85311 50790

SC00589

Fleet
P.O.BOX 15480
WILMINGTON DE 19850

Account Number	[redacted]
Minimum Payment Due	14.00
Past Due Amount	0.00
Payment Due Date	05/14/01
New Balance	748.29

Amount Enclosed

Make Payment To:

FLEET CREDIT CARD SERVICE
PO BOX 15368
WILMINGTON DE 19886-5368

!198865368187!

CARMELLA G PORTEOUS 51463
4801 NEYREY DR
METAIRIE LA 70002-1426

!700021426018?!

[redacted]

DETACH TOP PORTION AND RETURN WITH PAYMENT

Fleet

For Customer Service call:
1-800-492-2500
or write: PO BOX 15480
WILMINGTON DE 19850-5480

PAYMENT INFORMATION

Account Number	[redacted]
Minimum Payment Due	14.00
Amount Past Due	0.00
Amount Over Credit Limit	
Payment Due Date	05/14/01

ACCOUNT SUMMARY

Previous Balance	$1,088.41
(+) Purchases & Cash Advances	738.66
(-) Payments & Credits	1,088.41
(+) Debit Adjustments	0.00
(+) FINANCE CHARGES & Fees	9.63
(=) New Balance	$748.29

Total Credit Limit	Total Available Credit	Cash Advance Credit Limit	Cash Advance Available Credit	Days In Billing Cycle	Billing Cycle Closing Date
1,200	378	600	378	29	04/17/01

ACCOUNT TRANSACTIONS

Transaction Date	Posting Date	Reference Number	Description	Amount
03/29	03/29	85447192R2SN0ZSHS	PAYMENT - THANK YOU	1,088.41 -
04/07	04/07	70432723161D9WQHT	SHOE STATION-BILOXI MS	80.22
04/08	04/08	80417343J3H4N6RH	GAMECASH*MS16000633321 BILOXI MS	215.99
04/13	04/13	70410193AJHB23Q3Q	LIMITED STORES00000823 METAIRIE LA	117.45
04/13	04/13	70411173630WRC9FZY	GAP #4527/THE METAIRIE LA	24.71
04/13	04/13	70460298725246S3A	AVEDA LIFESTYLE STORE- METAIRIE LA	14.68
04/13	04/13	80450793933S5SBJ8	BEAU RIVAGE HOTEL AND BILOXI MS	231.00
04/15	04/15	78447323A61FL5GGS	PALACE THEATRE 20 THE HARAHAN LA	10.00
04/15	04/15	78447323A61WL5GJ4	PALACE THEATRE 20 THE HARAHAN LA	13.00
04/16	04/16	80536063848M7A152	VALENTINE SHOE GAL METAIRIE LA	32.91
04/17	04/17	*FINANCE CHARGE*	PURCHASES $9.63 CASH ADVANCE $0.00	9.63

INFORMATION FOR YOU

SPECIAL SAVINGS FROM AVIS FOR FLEET CARDMEMBERS!
SIMPLY MENTION YOUR AVIS WORLDWIDE DISCOUNT
NUMBER (AWD) A019000 WHEN YOU RESERVE YOUR CAR
TO ENJOY THESE SAVINGS. FOR RESERVATIONS, PLEASE CALL
YOUR TRAVEL CONSULTANT OR AVIS 1-800-831-8000.

	Average Daily Balance	Nominal/Annual Percentage Rate	Promotional Outstanding Balance	Daily Periodic Rate	FINANCE CHARGES Due to Daily Periodic Rate	FINANCE CHARGES Transaction Fees
PURCHASES	$0.00	18.92%	N/A	.05182%	$0.00	$9.63
CASH ADVANCES	$0.00	21.42%	N/A	.05867%	$0.00	$0.00

ANNUAL PERCENTAGE RATE for purchases 47.95% ANNUAL PERCENTAGE RATE for cash advances 21.42%

If you have a variable rate account, your periodic rates may vary.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

3311 MCD 1 12 7 Page 1 of 1 0001 5100 050X 0076 010417 0858 01485311 3H63

SC00590

Fleet
PO BOX 17192
WILMINGTON DE 19850-7192

Account Number	[redacted]
Minimum Payment Due	10.00
Past Due Amount	0.00
Payment Due Date	05/12/01
New Balance	498.32

Amount Enclosed

Make Payment To:

FLEET CREDIT CARD SERVICE
PO BOX 15368
WILMINGTON DE 19886-5368

[198865368187]

CARMELLA G PORTEOUS
4801 NEYREY DR
METAIRIE LA 70002-1426

[700021426017]

[redacted]

DETACH TOP PORTION AND RETURN WITH PAYMENT

Fleet

For Customer Service call:
1-800-492-2500
or write: PO BOX 15480
WILMINGTON DE 19850-5480

PAYMENT INFORMATION

Account Number	[redacted]
Minimum Payment Due	10.00
Amount Past Due	0.00
Amount Over Credit Limit	0.00
Payment Due Date	05/12/01

ACCOUNT SUMMARY

Previous Balance	$748.29
(+) Purchases & Cash Advances	464.17
(-) Payments & Credits	731.00
(+) Debit Adjustments	0.00
(+) FINANCE CHARGES & Fees	16.86
(=) New Balance	$498.32

Total Credit Limit	Total Available Credit	Cash Advance Credit Limit	Cash Advance Available Credit	Days in Billing Cycle	Billing Cycle Closing Date
1,200	648	600	600	29	05/16/01

ACCOUNT TRANSACTIONS

Transaction Date	Posting Date	Reference Number	Description	Amount
04/16	04/16	80444733B9340DYMH	MACY'S EAST #082 KENNER LA	31.54
04/16	04/18	80413893B327X3PNM	JCPENNEY CO 0549 METAIRIE LA	42.12
04/19	04/19	70499673EFTZ40JF7	DILLARDS 284 METAIRIE LA	34.80
04/23	04/23	80413893J327X50KD	JCPENNEY CO 0549 METAIRIE LA	30.45
04/26	04/27	68450793L325GNAA7	BEAU RIVAGE HOTEL AND BILOXI MS	231.00 -
04/29	04/29	80425623R3VIEHR23	GCA'HARRAH S NEW ORLEA 800-644-0439 LA	177.99
05/01	05/01	80506453SBLH6HM4P	LA MADELEINE #107 HARAHAN LA	7.94
05/04	05/04	65447193W2SX20Y48	PAYMENT THANK YOU WILMINGTON DE	500.00 -
05/08	05/08	704342541FRAHPQ00	LINENS N THINGS #520 HARAHAN LA	21.74
05/09	05/09	704532642887JZERN	MIKE ANDERSON'S SEAFD BATON ROUGE LA	56.00
05/11	05/11	924209945EHRGJ69K	THATS A GOOD IDEA 903-567-5258 TX	34.95
05/13	05/13	704996746FTZ43JDF	DILLARDS 284 METAIRIE LA	26.64
05/16	05/16	*FINANCE CHARGE*	PURCHASES $16.86 CASH ADVANCE $0.00	16.86

INFORMATION FOR YOU

SUMMER IS THE TIME TO GET OUT AND ABOUT - TRAVELING, SHOPPING, DINING - SO GIVE YOUR FAMILY ADDITIONAL CARDS FROM FLEET. IT'S SMART AND CONVENIENT! JUST CALL 1-800-237-4320 TO REQUEST YOUR FREE ADDITIONAL CARDS TODAY.

GET A FREE HEADSET RADIO JUST FOR TRYING THE PREMIER FITNESS CLUB OFFERED BY ENCORE MKTG. ENJOY DISCOUNTS ON GYM MEMBERSHIPS, VITAMINS & MUCH MORE, ALL FOR ONLY $69.95 ANNUALLY. IF YOU ARE NOT SATISFIED, YOU CAN CANCEL AT ANY TIME AND RECEIVE CREDIT FOR YOUR CURRENT ANNUAL FEE. THE RADIO IS YOURS TO KEEP. CALL ENCORE AT 1-866-405-7357 FOR MORE DETAILS.

	Average Daily Balance	Nominal/Annual Percentage Rate	Promotional Outstanding Balance	Daily Periodic Rate	FINANCE CHARGES Due to Daily Periodic Rate	FINANCE CHARGES Transaction Fees
PURCHASES	$650.59	18.87%	N/A	.05169%	$9.75	$7.11
CASH ADVANCES	$0.00	21.37%	N/A	.05854%	$0.00	$0.00

ANNUAL PERCENTAGE RATE for purchases 31.09% ANNUAL PERCENTAGE RATE for cash advances 21.37%

If you have a variable rate account, your periodic rates may vary.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

5311 MGD 1 17 7 Page 1 of 1 8881 5100 050X 0006 010516 0658 01A85311 5871e

SC00591

Fleet
PO BOX 17192
WILMINGTON DE 19850-7192

Account Number	[redacted]
Minimum Payment Due	21.00
Past Due Amount	0.00
Payment Due Date	07/15/01
New Balance	948.04

Amount Enclosed

Make Payment To:

FLEET CREDIT CARD SERVICE
PO BOX 15368
WILMINGTON DE 19886-5368

!!198865368187!

CARMELLA G PORTEOUS
4801 NEYREY DR
METAIRIE LA 70002-1426

139491

!700021426017!

[redacted]

DETACH TOP PORTION AND RETURN WITH PAYMENT

Fleet

For Customer Service call:
1-800-492-2800
or write: PO BOX 15480
WILMINGTON DE 19850-5480

PAYMENT INFORMATION

Account Number	[redacted]
Minimum Payment Due	21.00
Amount Past Due	0.00
Amount Over Credit Limit	0.00
Payment Due Date	07/15/01

ACCOUNT SUMMARY

Previous Balance	$498.32
(+) Purchases & Cash Advances	734.31
(-) Payments & Credits	309.82
(+) Debit Adjustments	0.00
(+) FINANCE CHARGES & Fees	25.23
(=) New Balance	$948.04

Total Credit Limit	Total Available Credit	Cash Advance Credit Limit	Cash Advance Available Credit	Days in Billing Cycle	Billing Cycle Closing Date
1,200.00	251.96	600.00	136.00	33	06/18/01

ACCOUNT TRANSACTIONS

Transaction Date	Posting Date	Reference Number	Description	Amount
05/16	05/17	82411174932LR1P2D	SURAT INC WINTER PARK FL	22.89
05/15	05/17	80425624937V1YPM9X	GCA* TREASURE CHEST 800-644-0439 LA	174.99
05/16	05/17	92503624809A1M3JQ	UNIQUE CLOTHING FASHI POMPANO BEACH FL	31.81
05/18	05/19	70499674QFTZ40NTL	DILLARDS 284 METAIRIE LA	32.53
05/27	05/27	70411174L49YDK550	OLD NAVY #5889 GULFPORT MS	73.83
05/28	05/28	70411174M4ATE986X	OLD NAVY #5889 GULFPORT MS	23.97
05/28	05/28	80427914M6RJTBZS9	FRONT DESK OASIS HOTEL GULF PORT MS	105.85
05/28	05/30	70411174M4ATE96R9	OLD NAVY #5889 GULFPORT MS	29.96 -
05/28	05/30	70411174M4ATE96VQ	OLD NAVY #5889 GULFPORT MS	29.96 -
06/04	06/04	85447194V25X6L55Q	PAYMENT THANK YOU WILMINGTON DE	200.00 -
06/06	06/06	70541864Y09F6PORH	HOME DEPOT #362 HARAHAN LA	62.72
06/10	06/10	80413895232Z7VD46F	JCPENNEY CO 0549 METAIRIE LA	60.89
06/11	06/11	80421075300NSYRS7	ERICS OF METAIRIE METAIRIE LA	70.87
06/11	06/11	70541865309F6R8G1	HOME DEPOT #349 KENNER LA	35.81
06/11	06/11	70541865309F6R8G9	HOME DEPOT #349 KENNER LA	14.09
06/11	06/13	70541865309F6RO0M	HOME DEPOT #349 KENNER LA	49.90 -
06/13	06/13	75499675SFTZHD1AH	DILLARDS 298 METAIRIE LA	24.38
06/18	06/18	"FINANCE CHARGE"	PURCHASES $25.23 CASH ADVANCE $0.00	25.23

INFORMATION FOR YOU

SAVE 20% WHEN YOU SEND FRESH FLOWERS WITH PETALXPRESS.COM
OFFER AVAILABLE ON ANY ORDER!
CALL 1-888-470-GIFT OR GO TO WWW.PETALXPRESS.COM.
FLEET CUSTOMERS USE REFERENCE CODE FL8765
TO RECEIVE DISCOUNT.

	Average Daily Balance	Nominal Annual Percentage Rate	Promotional Outstanding Balance	Daily Periodic Rate	FINANCE CHARGES Due to Daily Periodic Rate	FINANCE CHARGES Transaction Fees
PURCHASES	$843.55	23.92%	N/A	.06553%	$18.24	$0.00
CASH ADVANCES	$0.00	25.92%	N/A	.07101%	$0.00	$0.00
	$0.00	23.92%	$0.00	.06553%	$0.00	$6.99

ANNUAL PERCENTAGE RATE for purchases 35.89% ANNUAL PERCENTAGE RATE for cash advances 25.92%

If you have a variable rate account, your periodic rates may vary.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

5311 MGD 21 12 7 Page 1 of 1 0001 3100 2417 0097 010518 01AB5315 139491

SC00592

Fleet

[illegible]	$754.29
[illegible]	$10.00
[illegible]	AUG. 14, 2001

Amount Enclosed

Account Number
For account information call
Customer Service at 1-800-492-3560
or log on to http://mycard.fleet.com

• For change of address please use form on back
• Make check payable to Fleet Credit Card Services

FLEET CREDIT CARD SERVICE
PO BOX 15368
WILMINGTON DE 19886-5368

1198653681977

CARMELLA G PORTEOUS
4801 NEYREY DR
METAIRIE LA 70002-1428

101295

I100021416017I

[redacted]

Detach at perforation and return from above with payment.

ACCOUNT SUMMARY FOR
CARMELLA G PORTEOUS

Fleet

Account Number [redacted]

PAYMENT INFORMATION

[illegible]	$10.00
[illegible]	$10.00
[illegible]	$0.00
[illegible]	$10.00
[illegible]	AUG. 14, 2001

[illegible]		$948.04
[illegible]	-	500.00
[illegible]	+	277.74
[illegible]	+	0.00
[illegible]	+	28.51
NEW BALANCE		$754.29

Total Credit Limit: $1,200.00
Available Credit: $446.71
Cash Advance Limit: $600.00
Cash Advance Available: $386.00
Billing Cycle Closing Date: 07/18/01
Days in Billing Cycle: 30

Summer is the time to get out and about — traveling, shopping, dining — so
give your family additional cards from Fleet.
It's smart and convenient! ***Just call 1-800-237-4320***
to request your additional cards today.

A RECORD OF YOUR CHARGES AND CREDITS

Transaction Date	Posting Date	Reference Number	Transaction Description	Credits	Charges
06/15	06/18	[illegible]	R & O,S PIZZA PLACE METAIRIE LA		22.35
06/24	06/24	[illegible]	OCA*HARRAH S NEW ORLEA 800-644-0439 LA		61.39
06/25	06/25	[illegible]	ANT'S HALLMARK METAIRIE LA		40.45
07/01	07/01	[illegible]	OCA* TREASURE CHEST 800-644-0439 LA		66.99
07/06	07/06	[illegible]	PAYMENT THANK YOU WILMINGTON DE	500.00	
07/07	07/07	[illegible]	BEDDING PLUS METAIRIE LA		22.95
07/16	07/16	[illegible]	COSMETICS BYRG FOLEY FOLEY AL		62.04
07/16	07/16	"FINANCE CHARGE"	PURCHASES $28.51 CASH ADVANCE $0.00		28.51

For information on your account or to reach Fleet's Customer Service:
1-800-492-3560
http://mycard.fleet.com
PO BOX 15368 WILMINGTON DE 19886-5368

NEW TOTAL	[illegible]
CREDITS	500.00
PREVIOUS BALANCE	[illegible]
NEW BALANCE	[illegible]

[illegible]

ANNUAL PERCENTAGE RATE for purchases (including Balance Transfers): 16.370%
ANNUAL PERCENTAGE RATE for cash advances: 25.870% If you have a variable rate account, your periodic rates may vary.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

5311 0033 NCD 21 7 13 019717 Page 1 of 1 0001 5100 7117 01865311 101295

SC00593

Fleet

New Balance	$696.77
Minimum Payment	$15.00
Due Date	SEP. 13, 2001

Amount Enclosed

Account Number [redacted]
For account information call
Customer Service at 1-800-492-2500
or log on to http://mycard.fleet.com

- For change of address please use form on back.
- Make check payable to Fleet Credit Card Services.

FLEET CREDIT CARD SERVICE
PO BOX 15368
WILMINGTON DE 19886-5368

CARMELLA G PORTEOUS
4801 NEYREY DR
METAIRIE LA 70002-1426

[redacted]

Detach at perforation and return form above with payment.

ACCOUNT SUMMARY FOR
CARMELLA G PORTEOUS

Fleet

Account Number: [redacted]

PAYMENT INFORMATION

Previous Balance	$754.29
Payments & Credits	- 400.00
Purchases/Balance Transfers/Cash Advances	+ 321.32
Cash Advance Fee	+ 0.00
Finance Charges	+ 21.16
NEW BALANCE	$696.77

Total Credit Limit: $1,200.00 Cash Advance Limit: $600.00 Billing Cycle Closing Date: 08/17/01
Available Credit: $503.23 Cash Advance Available: $503.00 Days in Billing Cycle: 30

Low interest rates and tax savings make Fleet Home Equity a smart borrowing choice!
Borrow up to 100% of your home's equity for home improvement, college expenses, a new car or any purpose at all. Apply easily, online or by phone—however it's more convenient. And with Fleet's Express Response, you'll get an answer on your application in under 2 minutes! Check with your tax advisor concerning tax deductibility. Apply today log on to www.Fleet.com or call-800-CALL-FLEET (800-225-5353). Fleet Home Equity It's a smart choice. Equal Housing Lender

A RECORD OF YOUR CHARGES AND CREDITS

Transaction Date	Posting Date	Reference Number	Transaction Description	Credits	Charges
07/06	07/10	79041204793711KY3	DANSK FACTORY OUTLET # FOLEY AL		37.67
07/17	07/19	70457925706NVRT6N	FIDDLESTIX PENSACOLA FL		23.86
07/23	07/23	00417340DL4GR1969	GAMECASH*MS19003433321 BILOXI MS		100.00
07/25	07/26	02410196EZLKTHPCP	TARGET 00007542 JACKSON MS		10.10
07/25	07/26	00440004F9XMRTJWP	STEIN-MART 00006 JACKSON MS		13.60
07/26	07/26	00413296J3221T6JF	JCPENNEY CO 0549 METAIRIE LA		14.13
07/26	07/29	70419426KBNF6ZWTH	PORTSIDE IMPORTS # 12 METAIRIE LA		63.47
08/08	08/08	05447196TZ5ZHMNVR	PAYMENT THANK YOU WILMINGTON DE	400.00	
08/13	08/13	00408277190AZHBOL	BUYERS ADVANTAGE CALL 800 563 6540 CT		59.95
08/17	08/17	"FINANCE CHARGE"	PURCHASES $21.16 CASH ADVANCE $0.00		21.16

For information on your account or to reach Fleet's Customer Service:
1-800-492-2500
http://mycard.fleet.com
PO BOX 15368 WILMINGTON DE 19886-5368

SUB TOTAL	$342.82
CREDITS	400.00
PREVIOUS BALANCE	$754.29
NEW BALANCE	$696.77

INFORMATION FOR YOU

NOW YOU CAN FIND GREAT ONLINE AND OFFLINE SAVINGS ALL IN ONE PLACE – THE FLEET MARKETPLACE! SIMPLY LOG ON TO HTTP://MYCARD.FLEET.COM AND CLICK ON THE SHOP AND SAVE BUTTON TO GO DIRECTLY TO THE FLEET MARKETPLACE.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

Page 1 of 1

SC00594

4922108607203

SC EXHIBIT - 00024

1040 U.S. Individual Income Tax Return **2000** (1) IRS Use Only—Do not write or staple in this space.

For the year Jan. 1–Dec. 31, 2000, or other tax year beginning , 2000, ending , 20 OMB No. 1545-0074

Label

Your social security number

Spouse's social security number

LABEL HERE

QC 549 10
GABRIEL T & CARMELLA G PORTEOUS JR
4801 NEYREY DR
METAIRIE LA 70002-1426

I R S

Use the IRS label. Otherwise, please print or type.

Presidential Election Campaign (See page 19.)

Note: Checking "Yes" will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want $3 to go to this fund? ▶ ☑ Yes ☐ No ☑ Yes ☐ No

Filing Status

Check only one box.

1 Single
2 ✓ Married filing joint return (even if only one had income)
3 Married filing separate return. Enter spouse's social security no. above and full name here ▶
4 Head of household (with qualifying person). (See page 19.) If the qualifying person is a child but not your dependent, enter this child's name here ▶
5 Qualifying widow(er) with dependent child (year spouse died ▶) (See page 19.)

Exemptions

6a ☑ Yourself. If your parent (or someone else) can claim you as a dependent on his/her tax return, do not check box 6a. No. of boxes checked on 6a and 6b: 2
b ☑ Spouse
c Dependents: (1) First name Last name (2) Dependent's social security number (3) Dependent's relationship to you (4) ☑ if qualifying child for child tax credit (see page 20): 1
CATHERINE PORTEOUS DAUGHTER
d Total number of exemptions claimed: 3

If more than six dependents, see page 20.

Income

Attach Forms W-2 and W-2G here. Also attach Form(s) 1099-R if tax was withheld.

If you did not get a W-2, see page 21.

Enclose, but do not attach, any payment. Also, please use Form 1040-V.

7	Wages, salaries, tips, etc. Attach Form(s) W-2	7	140516 07
8a	Taxable interest. Attach Schedule B if required	8a	89 40
b	Tax-exempt interest. Do not include on line 8a	8b	
9	Ordinary dividends. Attach Schedule B if required	9	
10	Taxable refunds, credits, or offsets of state and local income taxes (see page 22)	10	194 00
11	Alimony received	11	
12	Business income or (loss). Attach Schedule C or C-EZ	12	
13	Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ ☐	13	
14	Other gains or (losses). Attach Form 4797	14	
15a	Total IRA distributions 15a 6000 00 b Taxable amount (see page 23)	15b	6000 00
16a	Total pensions and annuities 16a b Taxable amount (see page 23)	16b	
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	17	
18	Farm income or (loss). Attach Schedule F	18	
19	Unemployment compensation	19	
20a	Social security benefits 20a b Taxable amount (see page 25)	20b	
21	Other income. List type and amount (see page 25)	21	
22	Add the amounts in the far right column for lines 7 through 21. This is your total income ▶	22	146799 47

Adjusted Gross Income

23	IRA deduction (see page 27)	23	
24	Student loan interest deduction (see page 27)	24	
25	Medical savings account deduction. Attach Form 8853	25	
26	Moving expenses. Attach Form 3903	26	
27	One-half of self-employment tax. Attach Schedule SE	27	
28	Self-employed health insurance deduction (see page 29)	28	
29	Self-employed SEP, SIMPLE, and qualified plans	29	
30	Penalty on early withdrawal of savings	30	
31a	Alimony paid b Recipient's SSN ▶	31a	
32	Add lines 23 through 31a	32	
33	Subtract line 32 from line 22. This is your adjusted gross income ▶	33	146799 47

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see page 56. Cat. No. 11320B Form 1040 (2000)

SC00600

HP Exhibit 141

Tax and Credits

34	Amount from line 33 (adjusted gross income)		146799 47
35a	Check if: ☐ You were 65 or older, ☐ Blind; ☐ Spouse was 65 or older, ☐ Blind. Add the number of boxes checked above and enter the total here ▶ 35a		
b	If you are married filing separately and your spouse itemizes deductions, or you were a dual-status alien, see page 31 and check here ▶ 35b ☐		
36	Enter your itemized deductions from Schedule A, line 28, or standard deduction shown on the left. But see page 31 to find your standard deduction if you checked any box on line 35a or 35b or if someone can claim you as a dependent		20572 35
37	Subtract line 36 from line 34		126227 12
38	If line 34 is $96,700 or less, multiply $2,800 by the total number of exemptions claimed on line 6d. If line 34 is over $96,700, see the worksheet on page 32 for the amount to enter		8400 00
39	Taxable income. Subtract line 38 from line 37. If line 38 is more than line 37, enter -0-		117827 12
40	Tax (see page 32). Check if any tax is from a ☐ Form(s) 8814 b ☐ Form 4972		27647 41
41	Alternative minimum tax. Attach Form 6251		
42	Add lines 40 and 41		
43	Foreign tax credit. Attach Form 1116 if required	43	
44	Credit for child and dependent care expenses. Attach Form 2441	44	
45	Credit for the elderly or the disabled. Attach Schedule R	45	
46	Education credits. Attach Form 8863	46	
47	Child tax credit (see page 36)	47	
48	Adoption credit. Attach Form 8839	48	
49	Other. Check if from a ☐ Form 3800 b ☐ Form 8396 c ☐ Form 8801 d ☐ Form (specify)	49	
50	Add lines 43 through 49. These are your total credits		
51	Subtract line 50 from line 42. If line 50 is more than line 42, enter -0-		27647 41

Other Taxes

52	Self-employment tax. Attach Schedule SE		
53	Social security and Medicare tax on tip income not reported to employer. Attach Form 4137		
54	Tax on IRAs, other retirement plans, and MSAs. Attach Form 5329 if required		600 00
55	Advance earned income credit payments from Form(s) W-2		
56	Household employment taxes. Attach Schedule H		
57	Add lines 51 through 56. This is your total tax		28247 41

Payments

If you have a qualifying child, attach Schedule EIC.

58	Federal income tax withheld from Forms W-2 and 1099	58	32391 13
59	2001 estimated tax payments and amount applied from 1999 return	59	
60a	Earned income credit (EIC)	60a	
b	Nontaxable earned income: amount ▶		
	and type ▶		
61	Excess social security and RRTA tax withheld (see page 50)	61	
62	Additional child tax credit. Attach Form 8812	62	
63	Amount paid with request for extension to file (see page 50)	63	
64	Other payments. Check if from a ☐ Form 2439 b ☐ Form 4136	64	
65	Add lines 58, 59, 60a and 61 through 64. These are your total payments		32391 13

Refund

Have it directly deposited! See page 50 and fill in 67b, 67c, and 67d.

66	If line 65 is more than line 57, subtract line 57 from line 65. This is the amount you owe now		4143 72
67a	Amount of line 66 you want refunded to you		4143 72
b	Routing number 065400137	c Type: ☐ Checking ☐ Savings	
d	Account number 554		
68	Amount of line 66 you want applied to your 2001 estimated tax ▶	68	

Amount You Owe

69	If line 57 is more than line 65, subtract line 65 from line 57. This is the amount you owe. For details on how to pay, see page 51		
70	Estimated tax penalty. Also include on line 69	70	

Sign Here

Joint return? See page 19. Keep a copy

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature	Date	Your occupation	Daytime phone number
[signature]	3-23-01	JUDGE	( )
Spouse's signature. If a joint return, both must sign. Carmella G. Sorbini	Date 3-23-01	Spouse's occupation HOUSEWIFE	May the IRS discuss this return with the preparer shown below (see page 52)? ☐ Yes ☐ No

Paid Preparer's Use Only

Preparer's signature	Date	Check if self-employed ☐	Preparer's SSN or PTIN
Firm's name (or yours if self-employed), address, and ZIP code		EIN	
		Phone no. ( )	

SC EXHIBIT - 00028

Fidelity
HOMESTEAD ASSOCIATION
222 BARONNE STREET
NEW ORLEANS, LOUISIANA 70112

5 PAGE 1

[redacted] 4/20/2001
MONEY MARKET FUNDS
TAX ID NUMBER [redacted]

* * * MONEY MARKET * * *
* * * STATEMENT * * *

MR G T PORTEOUS JR OR
MRS G T PORTEOUS JR
4801 NEYREY DR
METAIRIE LA 70002-1426

CCOUNT NUMBER [redacted] STATEMENT PERIOD 3/21/2001 THRU 4/20/2001

DEMAND DEPOSIT SUMMARY

VERAGE BALANCE		PREVIOUS BALANCE	623.94
320.29	1 CREDITS, INCLUDING	1 DEPOSITS, TOTALING	200.00
INIMUM BALANCE	6 DEBITS, INCLUDING	5 CHECKS, TOTALING	734.28
89.66 ON 4/12		NEW BALANCE	89.66
AR TO DATE:		INTEREST EARNED	0.00
EARNINGS.....	0.37	ANNUAL PERCENTAGE YIELD EARNED	0.00%
SERVICE CHARGE.....	0.00	SERVICE CHARGE	0.00

TRANSACTIONS

DATE	DESCRIPTION		AMOUNT	BALANCE
	BEGINNING BALANCE			623.94
3/22	CHECK NUMBER	579	36.79-	587.15
3/26	CHECK NUMBER	580	179.00-	408.15
3/28	PREAUTHORIZED WITHDRAWAL STATE FARM RO 22 INSURANCE		84.73-	323.42
3/28	CHECK NUMBER	581	40.00-	283.42
4/04	DEPOSIT TO DEMAND ACCOUNT		200.00	483.42
4/04	CHECK NUMBER	620	64.76-	418.66
4/12	CHECK NUMBER	582	329.00-	89.66

CHECK SUMMARY

HECK	AMOUNT	CHECK	AMOUNT	CHECK	AMOUNT	CHECK	AMOUNT
579	36.79	581	40.00	582	329.00	***620	64.76
580	179.00						

THE FOLLOWING INTEREST RATES WERE IN EFFECT FOR THE DATES INDICATED:

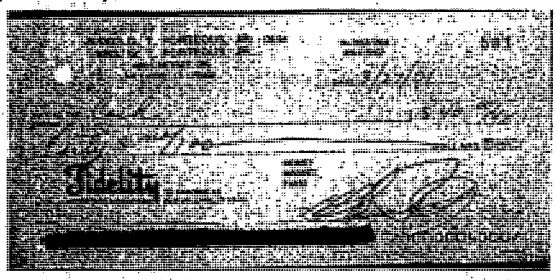
START	END
3/15/1999	CURRENT

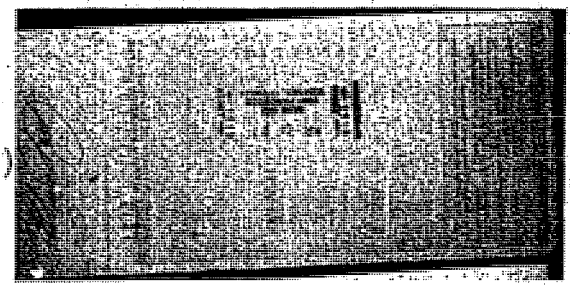
RATE	APY	MIN. BAL.
2.750	2.79	1,000.00
3.920	4.00	15,000.00

SC00611

HP Exhibit 143

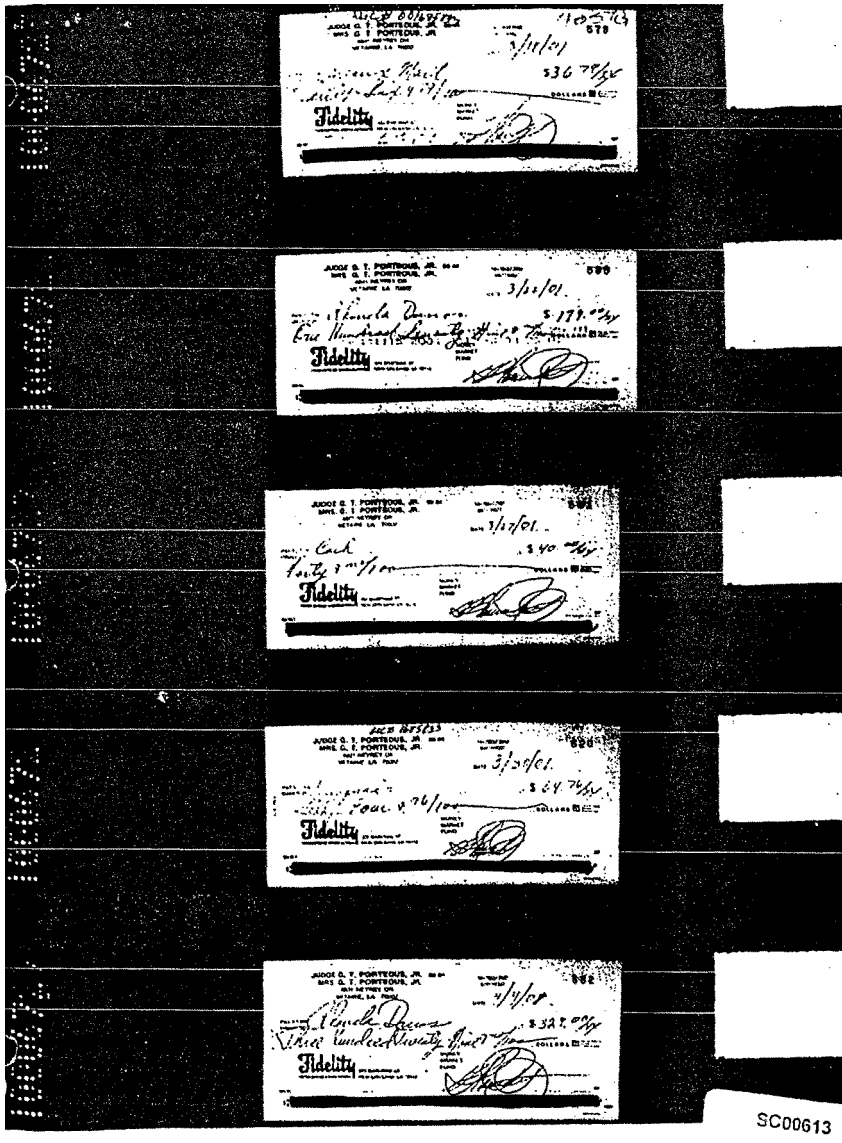
CF14096:200308085008:2010 scanned on SCANER19 by Operator MRODARTES on Aug 12, 2003 at 07:09:38 AM - Page 18 of 256. : Best Copy



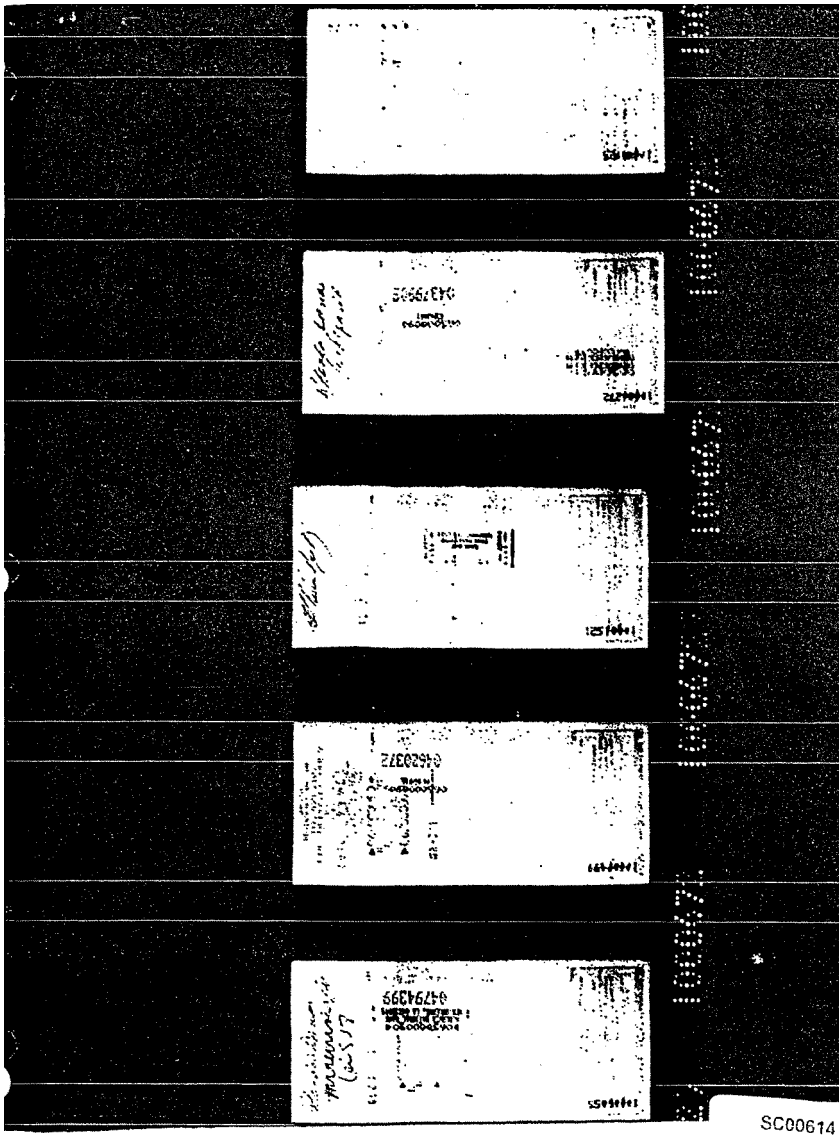


REQUEST 200308085008 2000.00
ROLL L29296 20010327 000000063811061+
JOB 00585 P ACCT 5520006902379554
REQUESTOR SUBPNA RK 08080301 59
(DL) SUBPOENA JUDGE G THOMAS PORTEUS JR

TX1-0057
INDY LEGAL ITEMS


JUDGE G. T. PORTEOUS, JR.
MRS. G. T. PORTEOUS, JR.
Fidelity
Fidelity
Fidelity
Fidelity

SC00613



SC00614

Fidelity
HOMESTEAD ASSOCIATION
222 BARONNE STREET
NEW ORLEANS, LOUISIANA 70112

2 PAGE 1
[redacted] 3/20/2001
MONEY MARKET FUNDS
TAX ID NUMBER [redacted]

*** MONEY MARKET ***
*** STATEMENT ***

MR G T PORTEOUS JR OR
MRS G T PORTEOUS JR
4801 NEYREY DR
METAIRIE LA 70002-1426

ACCOUNT NUMBER [redacted] STATEMENT PERIOD 2/21/2001 THRU 3/20/

------------------------------DEMAND DEPOSIT SUMMARY------------------------------

AVERAGE BALANCE
249.01
MINIMUM BALANCE
112.37 ON 2/28
YEAR TO DATE
EARNINGS....... 10.37
SERVICE CHARGE 0.00

PREVIOUS BALANCE	34
1 CREDITS INCLUDING 1 DEPOSITS, TOTALING	55
4 DEBITS INCLUDING 2 CHECKS, TOTALING	27
NEW BALANCE	62
INTEREST EARNED	0.0
ANNUAL PERCENTAGE YIELD EARNED	0.0
SERVICE CHARGE	0.0

------------------------------TRANSACTIONS------------------------------

DATE	DESCRIPTION	AMOUNT	BALANCE
	BEGINNING BALANCE		347.10
2/23	DEMAND ACCOUNT WITHDRAWAL	75.00-	272.10
2/28	PREAUTHORIZED WITHDRAWAL STATE FARM RO 22 INSURANCE	84.73-	187.37
2/28	CHECK NUMBER 619	75.00-	112.37
3/16	DEPOSIT TO DEMAND ACCOUNT	550.00	662.37
3/16	CHECK NUMBER 574	38.43-	623.94

------------------------------CHECK SUMMARY------------------------------

CHECK	AMOUNT	CHECK	AMOUNT	CHECK	AMOUNT	CHECK	AMOUNT
574	38.43	****619	75.00				

****

THE FOLLOWING INTEREST RATES WERE IN EFFECT FOR THE DATES INDICATED:

START	END
3/15/1999	CURRENT

RATE	APY	MIN. BAL.
2.750	2.79	1,000.00
3.920	4.00	15,000.00

SC00615

JUDGE G. T. PORTEOUS, JR. 06-84
MRS. G. T. PORTEOUS, JR.
4801 NEYREY DR
METAIRIE, LA 70002

574

DATE 3/9/01

PAY TO THE ORDER OF Citibank $ 38.43/xx

Thirty-Eight & 43/100 DOLLARS

Fidelity
HOMESTEAD ASSOCIATION

MONEY MARKET FUND

MEMO 1486-0100-0005-2338

[redacted]

JUDGE G. T. PORTEOUS, JR. 06-84
MRS. G. T. PORTEOUS, JR.
4801 NEYREY DR
METAIRIE, LA 70002

619

DATE 2/26/01

PAY TO THE ORDER OF Cash $ 75.00/xx

Seventy-Five & 00/100 DOLLARS

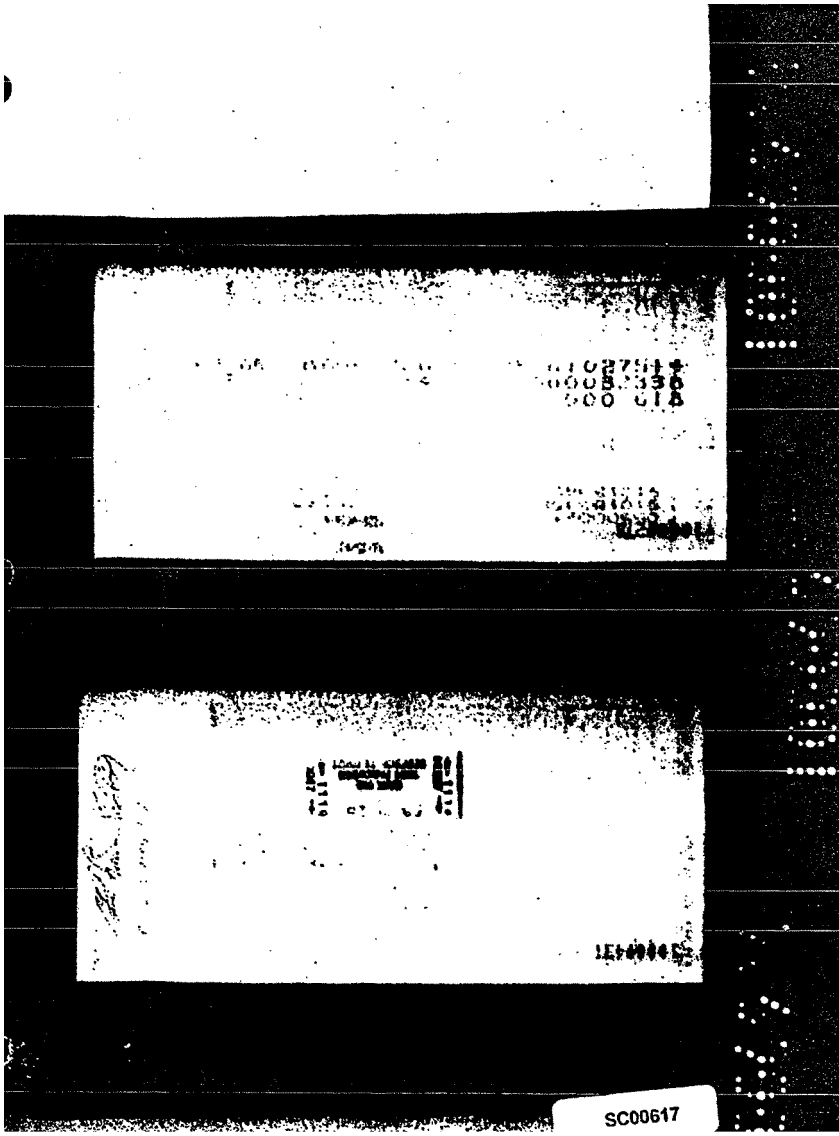
Fidelity
HOMESTEAD ASSOCIATION

MONEY MARKET FUND

MEMO

[redacted]

SC00616



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0 53200 416 047539 H

Bank One, NA
P O Box 3399
Baton Rouge, LA 70821

JUDGE G THOMAS PORTEOUS JR
OR MRS G THOMAS PORTEOUS
4801 BETRET DR
METAIRIE LA 70002-1426

Items enclosed 30

Acct # [redacted]

Taxpayer ID # [redacted]

JAN 25 to FEB 23, 2001

Page 1 of 4

ACCOUNT INQUIRIES ---------- 800-777-8837
HEARING IMPAIRED ---------- 888-663-4833

Summary of Account Balances

All summary balances shown are as of February 23, 2001.

	Interest paid this year	Balance as of Feb. 23
cking and Savings		
erest One Checking [redacted]	$5.55	1,278.43
	$5.55	$1,278.43

INTEREST ONE CHECKING
Account number [redacted]

Beginning balance	$ 1,848.68
Checks paid	- 5,678.30
Other withdrawals	- 2,652.30
Deposits	+ 8,760.43
Balance as of Feb. 23	$ 1,278.43

continues

UL00165

HP Exhibit 144

0 53200 416 047540 8

THOMAS PORTEOUS JR

Acct [redacted]

JAN 25 to FEB 23, 2001

Interest earned this period	$2.33
Annual Percentage Yield earned this period	00.90

Checks paid

Number	Amount	Date paid	Number	Amount	Date paid		
3912	177.00	01-29	3977	12.00	02-20	00000063306160	00000062717784
3923*	55.07	01-29	3978	330.15	02-12	00000063306159	00000063744480
3960*	940.00	01-29	3979	330.00	02-12	00000064589529	00000063744479
3965*	246.00	02-06	3980	5.10	02-07	00000064862232	00000064501350
3966	1,429.89	02-05	3981	60.00	02-05	00000064311455	00000063810226
3967	20.00	02-20	3982	500.00	02-07	00000062717783	00000062258996
3968	310.00	02-12	3983	215.00	02-16	00000062492066	00000064596261
3969	59.52	02-09	3984	150.00	02-12	00000062238818	00000064227853
3970	150.00	02-14	3985	56.00	02-12	00000063431921	00000064472056
3971	61.73	02-09	3986	53.79	02-15	00000062153467	00000063701916
3972	163.47	02-07	3987	60.00	02-12	00000064330726	00000062750503
3973	100.00	02-08	3988	160.00	02-20	00000062504296	00000064750369
3974	53.61	02-12	3989	81.42	02-20	00000062518421	00000062887529
3975	48.34	02-07	3990	15.21	02-21	00000064277384	00000064502923
3976	735.00	02-05	3991	100.00	02-20	00000062050356	00000064328120

* Checks not listed were shown on a previous statement or had not yet cleared as of 02-23-01.

continues

0 53200 416 047541 8

JAMES G THOMAS PORTEOUS JR

Acct 8[redacted]

JAN 25 to FEB 23, 2001

Other withdrawals including charges and fees

Date	Description			
01-29	Fee Other Bank ATM		1.50	00000000023867
01-29	Other Bank ATM Cash From Checking 0125 5050 Williams Blvd . Kenner	LA	163.00	00000000023867
01-29	ACH Debit State Farm No 22 0392761822 Insurance		203.93	200102600813541
01-29	Bank One ATM Cash From Checking 0127 3420 Severn Ave. Metairie	LA	210.00	00000000030092
01-31	Bank One ATM Cash From Checking 0131 3420 Severn Ave. Metairie	LA	200.00	00000000030511
02-06	Bank One ATM Cash From Checking 0206 3783 Veterans Blvd Metairie	LA	130.00	00000000028167
02-08	Bank One ATM Cash From Checking 0207 3420 Severn Ave. Metairie	LA	80.00	00000000032084
02-08	Bank One ATM Cash From Checking 0207 4545 Veterans Blvd Metairie	LA	160.00	00000000033687
02-09	Bank One ATM Cash From Checking 0209 3420 Severn Ave. Metairie	LA	130.00	00000000040013
02-09	ACH Debit Bank One, LA. BA 000340000203579 Loan Paymt 552		493.95	200103396672309
02-12	Fee Other Bank ATM		1.50	00000000027840
02-12	Fee Other Bank ATM		1.50	00000000027841
02-12	Other Bank ATM Cash From Checking 0211 5050 Williams Blvd . Kenner	LA	103.00	00000000027840
02-12	Other Bank ATM Cash From Checking 0211 5050 Williams Blvd . Kenner	LA	143.00	00000000027841
02-14	Bank One ATM Cash From Checking 0214 3420 Severn Ave. Metairie	LA	120.00	00000000032125
02-16	Bank One ATM Cash From Checking 0216 3420 Severn Ave. Metairie	LA	300.00	00000000040251
02-20	Bank One ATM Cash From Checking 0220 3420 Severn Ave. Metairie	LA	120.00	00000000028956
02-21	Bank One ATM Cash From Checking 0221 1415 Metairie Road Metairie	LA	40.00	00000000032251
02-23	Bank One ATM Cash From Checking 0223 3420 Severn Ave. Metairie	LA	40.00	00000000042226
02-23	Service Fee		11.00	

Deposits and other additions

Date	Description		
01-29	Deposit	370.00	000000063491522
02-01	ACH Credit Usc Treas . 310 [redacted] Fed Salary	7,705.51	200102909980781
02-02	Deposit	300.00	000000648892272
02-12	Deposit	160.99	000000062791841

continues

D 53200 416 047542 H

JUDGE G THOMAS PORTEOUS JR

Acct # [redacted]

JAN 25 to FEB 23, 2001

Deposits and other additions

Date	Description		
02-22	Deposit	221.60	00000062100307
02-23	Interest Payment	2.33	00000000000900

Your minimum balance this statement period was $ 268.10 .

Fees and charges

When you maintain the required minimum balance during the statement period, the monthly service fee on your account is waived.

GREAT ENTRY LEVEL EMPLOYMENT OPPORTUNITIES AWAIT YOU AT BANK ONE!
FAX YOUR RESUME ATT#: GL0016, NR (877)700-8020.

YOU CAN PROTECT YOUR FAMILY FROM FINANCIAL DISASTER WITH ACCIDENT AND DISABILITY INSURANCE. THIS INSURANCE PROVIDES INCOME PROTECTION IN CASE OF AN ACCIDENT, DISABILITY OR ILLNESS. FIND OUT HOW AFFORDABLE IT CAN BE BY CALLING THE ONE QUOTE AT 1-888-663-8376. INSURANCE IS NOT A DEPOSIT, NOT FDIC INSURED; NO BANK GUARANTEE.

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0 53200 416 047129 H

One, NA
Box 3399
Baton Rouge, LA 70821

JUDGE G THOMAS PORTEOUS JR
OR MRS G THOMAS PORTEOUS
4801 BETHEY DR
METAIRIE LA 70002-1426

Items enclosed 31

Acct # [redacted]

Taxpayer ID # [redacted]

FEB 24 to MAR 22, 2001

Page 1 of 4

FOR ACCURATE PROCESSING OF TRANSACTIONS, YOUR CHECKS MUST HAVE BANK ONE'S ROUTING NUMBER 065400137 (LOCATED ON BOTTOM LEFT EDGE OF CHECKS). IF YOUR CHECKS HAVE A DIFFERENT ROUTING NUMBER (AND YOU'RE NOT A CONTROLLED DISBURSEMENT CUSTOMER), PLEASE ORDER NEW CHECKS IMMEDIATELY. QUESTIONS? CONTACT YOUR LOCAL BANKING CENTER.

ACCOUNT INQUIRIES ---------- 800-777-8837
HEARING IMPAIRED ---------- 888-663-4833

S Y of Account Balances

All summary balances shown are as of March 22, 2001.

Checking and Savings	Interest paid this year	Balance as of Mar. 22
Interest One Checking [redacted]	$7.73	559.07
	$7.73	$559.07

continues

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0 53200 416 047130 8

SE G THOMAS PORTEOUS JR

Acct # [redacted]

FEB 24 to MAR 22, 2001

INTEREST ONE CHECKING
Account number [redacted]

Beginning balance	$ 1,278.43
Checks paid	- 6,992.46
Other withdrawals	- 2,717.88
Deposits	+ 8,990.98
Balance as of Mar. 22	$ 559.07

Interest earned this period	$2.18
Annual Percentage Yield earned this period	00.91

Checks paid

Number	Amount	Date paid	Number	Amount	Date paid		
92	81.29	02-26	3998	78.20	03-05	00000062703584	00000063268533
93	135.00	02-27	3999	63.59	03-13	00000062528644	00000062874808
94	50.00	02-28	4000	20.00	03-14	00000062708459	00000064351342
3995	60.00	03-01	4001	1,500.00	03-12	00000064200190	00000063335869
3996	50.00	02-26	4002	1,429.89	03-02	00000062690273	00000064478553
3997	15.00	03-08	4003	370.00	03-07	00000064039684	00000064630704

continues

0 53200 416 047131 8

E G THOMAS PORTEOUS JR

Acct 8 [redacted]

FEB 24 to MAR 22, 2001

Checks paid

Number	Amount	Date paid	Number	Amount	Date paid		
4004	10.00	03-05	4014	43.30	03-12	00000062890384	00000063309813
4005	55.15	03-06	4015	330.00	03-19	00000062316371	00000064909415
4006	150.00	03-08	4016	330.15	03-19	00000064810262	00000064909416
4007	48.36	03-05	4017	5.10	03-09	00000063370042	00000064463206
4008	211.41	03-05	4019*	100.00	03-08	00000064810263	00000063166200
4009	240.30	03-09	4021*	400.00	03-19	00000062780326	00000063875098
4010	212.73	03-07	4022	60.00	03-20	00000062815303	00000063232096
4011	75.00	03-08	4025*	20.00	03-21	00000064849564	00000064253506
4012	725.00	03-06	4026	75.00	03-22	00000063682156	00000064553865
4013	47.79	03-13				00000062745405	

* Checks not listed were shown on a previous statement or had not yet cleared as of 03-22-01.

Other withdrawals including charges and fees

Date	Description			
02-26	Bank One ATM Cash From Checking 0224 3420 Severn Ave. Metairie	LA	200.00	00000000042023
02-27	ACH Debit State Farm Ro ZZ 0392763822 Insurance		203.93	20010574356094
02-27	Bank One ATM Cash From Checking 0226 3420 Severn Ave. Metairie	LA	300.00	00000000030832
03-05	Fee Other Bank ATM		1.50	00000000038646
03-05	Fee Other Bank ATM		1.50	00000000038645
03-05	Other Bank ATM Cash From Checking 0303 5050 Williams Blvd . Kenner	LA	103.00	00000000038646
03-05	Other Bank ATM Cash From Checking 0302 5050 Williams Blvd . Kenner	LA	203.00	00000000038645
07	Bank One ATM Cash From Checking 0306 3420 Severn Ave. Metairie	LA	50.00	00000000031958
8	Fee Other Bank ATM		1.50	00000000033769
08	Other Bank ATM Cash From Checking 0307 4 Canal St Harrahs New Orleans	LA	104.00	00000000033769
03-08	Bank One ATM Cash From Checking 0308 3420 Severn Ave. Metairie	LA	120.00	00000000032399
03-09	ACH Debit Bank One 552 000340000203579 Loan Payment 552		493.95	20010670105948
03-12	Fee Other Bank ATM		1.50	00000000026277
03-12	Other Bank ATM Cash From Checking 0311 5050 Williams Blvd . Kenner	LA	163.00	00000000026277

continued

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0 53200 416 047132 8

G THOMAS FORTEDUS JR

Acct # [redacted]

FEB 24 to MAR 22, 2001

Other withdrawals including charges and fees

Date	Description				
03-12	Bank One ATM Cash From Checking 0310 3420 Severn Ave. Metairie	LA	240.00	00000000031587
03-13	Bank One ATM Cash From Checking 0313 3420 Severn Ave. Metairie	LA	100.00	00000000030999
03-19	Bank One ATM Cash From Checking 0317 3420 Severn Ave. Metairie	LA	20.00	00000000040522
03-19	Bank One ATM Cash From Checking 0317 3420 Severn Ave. Metairie	LA	200.00	00000000029523
03-20	Bank One ATM Cash From Checking 0320 3703 Veterans Blvd Metairie	LA	80.00	00000000029678
03-22	Bank One ATM Cash From Checking 0321 3420 Severn Ave. Metairie	LA	120.00	00000000032857
03-22	Service Fee		11.00	

Deposits and other additions

Date	Description		
03-01	ACH Credit Usc Treas 310 [redacted] Fed Salary	7,705.51	20010573768445
03-02	Deposit	1,080.08	00000064565410
03-06	Deposit	31.29	00000062588359
03-19	Deposit	172.00	00000064307191
03-22	Interest Payment	2.18	00000000000000

Your minimum balance this statement period was $ 258.21 .

Fees and charges

When you maintain the required minimum balance during the statement period, the monthly service fee on your account is waived.

FIND OUT HOW AFFORDABLE TERM LIFE INSURANCE CAN BE FOR YOU AND YOUR FAMILY BY CALLING THE ONE QUOTE. CALL TODAY FOR YOUR FREE, NO OBLIGATION TERM LIFE INSURANCE QUOTE AT 1-888-663-8376 OR GO TO WWW.TREONEQUOTE.COM
INSURANCE IS NOT A DEPOSIT, NOT FDIC INSURED; NO BANK GUARANTEE.

0 53200 416 047175 N

SC EXHIBIT - 00027

- ...ne, BA
3399
...ge, LA 70821

...GE G THOMAS PORTEOUS JR
...RS G THOMAS PORTEOUS
...1 BEYREY DR
...AIRIE LA 70002-1426

Items enclosed 25

Acct # [redacted]

Taxpayer ID # [redacted]

MAR 23 to APR 23, 2001

Page 1 of 4

...COUNT INQUIRIES ---------- 800-777-8837
...ARING IMPAIRED ---------- 888-663-4833

...mmary of Account Balances

...l summary balances shown are as of April 23, 2001.

...rking and Savings	Interest paid this year	Balance as of Apr. 23
... One Checking [redacted]	$10.82	5,493.91
	$10.82	$5,493.91

...TEREST ONE CHECKING
...ccount number [redacted]

Beginning balance	$ 559.07
Checks paid	- 6,394.93
Other withdrawals	- 2,788.38
Deposits	+ 14,118.15
Balance as of Apr. 23	$ 5,493.91

continues

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0 53200 416 047176 N

GE G THOMAS PORTEOUS JR

Acct # [redacted]

MAR 23 to APR 23, 2001

Page 2 of 4

Interest earned this period	$3.09
Annual Percentage Yield earned this period	00.76

ecks paid

mber	Amount	Date paid	Number	Amount	Date paid		
023	50.00	03-28	4041	177.52	04-09	00000063166289	00000063913906
027*	33.00	03-30	4042	725.00	04-03	00000063775257	00000064794270
028	60.00	03-30	4043	38.06	04-05	00000062798982	00000063016215
029	14.00	04-12	4044	200.00	04-05	00000064034027	00000063005321
031*	185.00	04-13	4045	157.23	04-05	00000063281913	00000064603849
032	43.22	04-10	4046	1,429.89	04-10	00000062422050	00000063431658
033	40.20	04-04	4047	330.00	04-19	00000064234437	00000063042222
034	80.00	04-04	4048	330.15	04-19	00000064351979	00000063042223
036*	43.80	04-06	4049	72.05	04-13	00000063499182	00000062697870
037	48.36	04-04	4050	5.10	04-13	00000064230229	00000063378178
038	53.61	04-05	131402*	1,000.00	04-05	00000063865375	00000064668081
039	44.74	04-04	131405*	1,000.00	04-06	00000062384583	00000063514896
040	234.00	04-03				00000062896455	

s not listed were shown on a previous statement or had not yet
ccured as of 04-23-01.

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SC00607

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0 53780 416 047177 8

G THOMAS FORTEOUS JR

Acct # [redacted]

MAR 23 to APR 23, 2001

er withdrawals including charges and fees

:o	Description			
-27	Fee Other Bank ATM		1.50	00000000028891
-27	Other Bank ATM Cash From Checking 0327 5050 Williams Blvd . Kenner LA		103.00	00000000028891
-27	ACH Debit State Farm Bo 22 0392751822 Insurance		209.93	20010856971843
-02	Fee Other Bank ATM		1.50	00000000029101
-02	Other Bank ATM Cash From Checking 0401 5050 Williams Blvd . Kenner LA		63.00	00000000029101
-02	Bank One ATM Cash From Checking 0402 3620 Severn Ave. Metairie LA		100.00	00000000027863
-03	Bank One ATM Cash From Checking 0403 1400 Veterans Blvd Metairie LA		120.00	00000000032326
-06	Bank One ATM Cash From Checking 0406 3620 Severn Ave. Metairie LA		120.00	00000000040764
-09	Fee Other Bank ATM		1.50	00000000032190
-09	Fee Other Bank ATM		1.50	00000000032191
-09	Other Bank ATM Cash From Checking 0408 Beau Rivage C L Biloxi MS		102.00	00000000032190
-09	Other Bank ATM Cash From Checking 0408 Beau Rivage C R Biloxi MS		202.00	00000000032191
-09	ACH Debit Bank One 552 0003400002003579 Loan Paymt 552		493.95	20010963436463
-12	Fee Other Bank ATM		1.50	00000000039123
-12	Bank One ATM Cash From Checking 0412 3620 Severn Ave. Metairie LA		20.00	00000000037642
-12	Bank One ATM Cash From Checking 0411 3620 Severn Ave. Metairie LA		60.00	00000000039122
-12	Bank One ATM Cash From Checking 0412 4545 Veterans Blvd Metairie LA		100.00	00000000039121
-12	Other Bank ATM Cash From Checking 0412 4 Canal Narrahs 10 New Orleans LA		104.00	00000000039123
-13	Bank One ATM Cash From Checking 0413 1400 Veterans Blvd Metairie LA		100.00	00000000041623
-16	Bank One ATM Cash From Checking 0416 3620 Severn Ave. Metairie LA		40.00	00000000028941
-16	Bank One ATM Cash From Checking 0414 3620 Severn Ave. Metairie LA		100.00	00000000035135
-18	Fee Other Bank ATM		1.50	00000000031563
-18	Bank One ATM Cash From Checking 0417 3540 Williams Blvd Kenner LA		140.00	00000000030347
-18	Other Bank ATM Cash From Checking 0418 5050 Williams Blvd . Kenner LA		163.00	00000000031563
-23	Fee Other Bank ATM		1.50	00000000027773
	'ee Other Bank ATM		1.50	00000000027772
	ee Other Bank ATM		1.50	00000000031006
	ther Bank ATM Cash From Checking 0422 5050 Williams Blvd . Kenner LA		183.00	00000000031006
-23	Other Bank ATM Cash From Checking 0422 5050 Williams Blvd . Kenner LA		103.00	00000000027772
-23	Other Bank ATM Cash From Checking 0422 5050 Williams Blvd . Kenner LA		103.00	00000000027773
-23	Bank One ATM Cash From Checking 0421 3620 Severn Ave. Metairie LA		120.00	00000000040261

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D 53200 416 047178 M

[redacted]E G THOMAS PORTEOUS JR

Acct # [redacted]

MAR 23 to APR 23, 2001

Page 4 of 9

ber withdrawals including charges and fees

te	Description	
-23	Service Fee	11.00

posits and other additions

te	Description			
-27	Deposit		2,000.00	000000063011061
-02	ACH Credit Usc Treas 310 [redacted]	Fed Salary	7,705.51	2001080868230
-13	ACH Credit Us Treasury 220 [redacted]	Irs Tax Refood	4,143.72	2001310150 13477
-18	Deposit		238.83	000000637420 07
-23	Interest Payment		3.09	000000000000000
-23	Deposit		27.00	000000637000876

ur minimum balance this statement period was $ 359.07 .

es and charges
When you maintain the required minimum balance during the
tatement period, the monthly service fee on your account is waived.

ND OUT HOW AFFORDABLE TERM LIFE INSURANCE CAN BE FOR YOU AND YOUR
BY CALLING THE ONE QUOTE. CALL TODAY FOR YOUR FREE, NO OBLIGATION
FE INSURANCE QUOTE AT 1-888-663-8376 OR GO TO WWW.INSONEQUOTE.COM
CE IS NOT A DEPOSIT, NOT FDIC INSURED; NO BANK GUARANTEE.

D YOU KNOW YOU CAN BANK ANYTIME DAY OR NIGHT? JUST CALL BANK ONE BY
ONE AT 1-800-777-8837 TO DO YOUR BANKING FROM ANY TELEPHONE. TRANSFER
UNDS, GET BALANCE INFORMATION, BALANCE YOUR CHECKBOOK AND MORE. CALL
DAY TO SEE FOR YOURSELF THAT BANKING HAS NEVER BEEN EASIER.

BKRPTCY

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CASH IN (Debit)

02

$1,960.00

[redacted]

REQUEST 200308085008 2000.00
ROLL L29296 20010327 000000063811061+
JOB 00585 P ACCT [redacted]
REQUESTOR SUBPNA RK 0808030159
(DL) SUBPOENA JUDGE G THOMAS PORTEUS JR

TX1-0057
INDY LEGAL ITEMS

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D 53200 416 045551 H

Bank One, NA
P O Box 3399
Baton Rouge, LA 70821

JUDGE E THOMAS PORTEOUS JR
OR MRS E THOMAS PORTEOUS
1801 METRET DR
METAIRIE LA 70002-1426

Items enclosed 27

Acct # [redacted]

Taxpayer ID # [redacted]

APR 24 to MAY 22, 2001

Page 1 of 4

PLEASE SEE THE ENCLOSED INSERT FOR IMPORTANT INFORMATION REGARDING CHECKING AND SAVINGS ACCOUNTS.

ACCOUNT INQUIRIES ---------- 800-777-8837
HEARING IMPAIRED ---------- 888-563-4833

Summary of Account Balances

All summary balances shown are as of May 22, 2001.

Checking and Savings	Interest paid this year	Balance as of May, 22
Interest One Checking [redacted]	$14.96	4,972.06
	$14.96	$4,972.06

continues

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0 53200 416 045552 R

THOMAS PORTEOUS JR

Acct #[redacted]

APR 24 to MAY 22, 2001

Page 2 of 4

INTEREST ONE CHECKING
Account number [redacted]

Beginning balance	$ 5,493.91
Checks paid	- 5,370.95
Other withdrawals	- 3,066.08
Deposits	+ 7,915.98
Balance as of May. 22	$ 4,972.06

Interest earned this period	$4.14
Annual Percentage Yield earned this period	00.75

Checks paid

Number	Amount	Date paid	Number	Amount	Date paid		
4051	50.00	04-25	4058	43.27	05-07	00000062693210	00000064884489
4052	60.00	04-24	4059	33.87	05-03	00000064006047	00000064340386
4054*	25.54	04-27	4060	53.61	05-08	00000062488794	00000064555803
4055	170.04	04-27	4061	15.00	05-02	00000062490827	00000062156309
4056	46.06	05-04	4062	100.00	05-08	00000064439570	00000062434437
4057	40.00	05-22	4063	48.36	05-03	00000064378772	00000063069660

continues

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0 53200 416 045553 H

RODGE G. THOMAS PORTEOUS JR

Acct # [redacted]

APR 24 to MAY 22, 2001

Checks paid

Number	Amount	Date paid	Number	Amount	Date paid		
4064	500.00	05-07	4073	50.00	05-15	00000063694786	00000064374111
4065	1,429.89	05-07	4075*	125.00	05-21	00000064011075	00000063722787
4067*	500.00	05-02	4076	103.44	05-21	00000063567166	00000062385125
4068	234.00	05-07	4077	74.61	05-22	00000064389275	00000062752794
4069	5.10	05-08	4078	60.00	05-15	00000062296028	00000063056761
4070	715.00	05-07	4080*	343.00	05-22	00000062873443	00000064296294
4071	225.16	05-09	4081	160.00	05-21	00000064162204	00000063445353
4072	160.00	05-10				00000064314470	

* Checks not listed were shown on a previous statement or had not yet cleared as of 05-22-01.

Other withdrawals including charges and fees

Date	Description			
04-24	Bank One ATM Cash From Checking 0424 3703 Veterans Blvd Metairie LA	50.00	00000000028371
04-25	Bank One ATM Cash From Checking 0425 3420 Severn Ave. Metairie LA	60.00	00000000031318
04-26	Bank One ATM Cash From Checking 0426 3420 Severn Ave. Metairie LA	80.00	00000000034243
04-27	ACH Debit State Farm Ro 22 0392761822 Insurance	203.93	20011162442493
04-30	Fee Other Bank ATM	1.50	00000000029033
04-30	Bank One ATM Cash From Checking 0428 3420 Severn Ave. Metairie LA	80.00	00000000030643
04-30	Other Bank ATM Cash From Checking 0429 4 Canal Marrahs 11 New Orleans LA	104.00	00000000029033
04-30	Bank One ATM Cash From Checking 0429 3420 Severn Ave. Metairie LA	140.00	00000000029032
04-30	Bank One ATM Cash From Checking 0430 601 Poydras St. New Orleans LA	150.00	00000000027917
05-01	Fee Other Bank ATM	1.50	00000000032693
05-01	Bank One ATM Cash From Checking 0501 3420 Severn Ave. Metairie LA	80.00	00000000034131
05-01	Other Bank ATM Cash From Checking 0430 4 Canal Marrahs 10 New Orleans LA	144.00	00000000032693
05-04	Bank One ATM Cash From Checking 0503 4545 Veterans Blvd Metairie LA	200.00	00000000042723
05-07	Fee Other Bank ATM	1.50	00000000044262
05-07	Other Bank ATM Cash From Checking 0505 Beau Rivage C L Biloxi MS	202.00	00000000044262
05-08	Fee Other Bank ATM	1.50	00000000029241

continues

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0 53200 416 045554 H

JUDGE G THOMAS PORTEOUS JR

Acct # [redacted]

APR 24 to MAY 22, 2001

Other withdrawals including charges and fees

Date	Description			
05-08	Fee Other Bank ATM		1.50	00000000029240
05-08	Bank One ATM Cash From Checking 0508 3420 Severn Ave. Metairie LA		30.00	00000000029239
05-08	Other Bank ATM Cash From Checking 0507 5050 Williams Blvd . Kenner LA		103.00	00000000029241
05-08	Other Bank ATM Cash From Checking 0507 5050 Williams Blvd . Kenner LA		203.00	00000000029240
05-09	ACH Debit Bank One 552 0003400002203579 Loan Paymt 552		493.95	20011287409717
05-11	Bank One ATM Cash From Checking 0511 3420 Severn Ave. Metairie LA		200.00	00000000039114
05-14	Bank One ATM Cash From Checking 0514 3540 Williams Blvd Kenner LA		30.00	00000000027337
05-15	Bank One ATM Cash From Checking 0515 3420 Severn Ave. Metairie LA		100.00	00000000029720
05-17	Bank One ATM Cash From Checking 0516 3540 Williams Blvd Kenner LA		140.00	00000000033257
05-18	Bank One ATM Cash From Checking 0517 3783 Veterans Blvd Metairie LA		20.00	00000000040582
05-21	Fee Other Bank ATM		1.50	00000000027929
05-21	Bank One ATM Cash From Checking 0520 3420 Severn Ave. Metairie LA		30.00	00000000026833
05-21	Other Bank ATM Cash From Checking 0520 4 Canal Harrahs 10 New Orleans LA		64.00	00000000027929
05-21	Bank One ATM Cash From Checking 0521 3420 Severn Ave. Metairie LA		100.00	00000000026832
05-22	Bank One ATM Cash From Checking 0522 3783 Veterans Blvd Metairie LA		50.00	00000000029423

Deposits and other additions

Date	Description		
05-01	ACH Credit Usc Treas 310 [redacted] Fed Salary	7,705.51	20011172641963
05-17	Deposit	206.33	00000063754713
05-22	Interest Payment	4.14	00000000000000

Your minimum balance this statement period was $ 4,310.90 .

Fees and charges

Your monthly service fee was waived because you maintained the required minimum balance during the statement period.

SC EXHIBIT - 00023

Special Orders

1723

15. Postmaster: The following named persons or representatives of the organization listed below are authorized to accept mail addressed to this (these) post office box(es) or caller number(s). Valid identification and proof of physical address must be provided with each name. Continue on back if necessary.

a. Name(s) of applicant(s) *(Same as item 3)*
GABRIEL T. PORTEOUS, JR.

b. Name of box customer *(Same as item 1)*
GABRIEL T. PORTEOUS, JR.

c. Other Authorized Representative
CARMELLA PORTEOUS

d. Other Authorized Representative

Customer note: The Postal Service may consider it valid evidence that a person is authorized to remove mail from the box if that person possesses a key or combination to the box.

16. Box or caller number to which this card applies
1723

17. Will this box be used for Express Mail resignment? (Check one)
a. Yes ☐ b. No ☒

19. Post office date stamp
HARVEY LA
MAR 20 2001
USPS 20058

18. Signature of applicant (same as item 3)
I have read the instructions and agree to comply with the applicable standards. I certify that the statements made by me are true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including multiple damages and civil penalties). See complete Privacy Act Statement on the reverse.

Gabriel Porteous

PS Form 1093, July 1998

Use a separate form for each number or consecutive group of numbers, and type of service. File part 2 by box or caller number.

1. Name(s) to which box number(s) is (are) assigned
GABRIEL T. PORTEOUS, JR.

2. Box or caller numbers
1723 through

3. Name of person applying, title (if representing an organization), and name of organization *(If different from item 1)*
GABRIEL T. PORTEOUS, JR.

4. Will this box be used for soliciting or doing business with the public? *(Check one)*
a. Yes ☐ b. No ☒

5. Address *(Number, street, apt. no.; city, state, and ZIP Code)*. When address changes, cross out address here and put new address on back.
4801 NEYREY DR.
METAIRIE LA. 70002

6. Telephone number
(504) 455-5879

7. Signature of applicant (identifying in item 3)
I agree to comply with all postal rules regarding proof office box or caller number (see applicable)

Use a separate form for each number or consecutive group of numbers, and type of service. File part 1 alphabetically by customer's name.

PS Form 1093, July 1998

7/18/03

SC00599

HP Exhibit 145

SC EXHIBIT - 00005

Law and Notarial Offices
Claude C. Lightfoot, Jr., P. C.
A Professional Law Corporation
Executive Tower - Suite 450
3500 N. Causeway Boulevard
Metairie, Louisiana 70002

Paralegals
Andrea V. Timpa
Vicki C. Owens

(504) 838-8571
Fax: (504) 838-8572
E-Mail: ccl.jr@worldnet.att.net

December 21, 2000

Judge Gabriel and Carmella Porteous
4801 Neyrey Drive
Metairie, LA 70002

RE: Workout Proposal

Dear Judge and Mrs. Porteous:

I enclose a copy of the letters and one copy of the attachments I included with each that I have sent to all of the unsecured creditors, with the exception of Regions Bank which we wanted to exclude, proposing the workout of the debts to each by settlement and release as opposed to the filing of bankruptcy. I have had positive response to the possibility of a workout from several of the companies when I had an opportunity to explain the proposal in concept to them by telephone. Of course, they all must go along, or at least the majority of the creditors with the large balances, to make the plan feasible.

The bankruptcy reform bill was vetoed by President Clinton as you may have heard, so a bit of pressure is relieved there; however, the new administration will get to the reform issues again during the next Congress, but probably not right away with the other priorities focussed on in the presidential campaigns.

I will be out of town on vacation until January 9, 2001, so let me wish both of you and your families the most wonderful and peaceful of Christmas seasons, and I will be keeping my fingers crossed that the creditors see the light of our proposal while I am gone.

With warmest personal regards to you both, I am

Very truly yours,

COPY

Claude C. Lightfoot, Jr.

CCL/bmf
Enclosures

Correspondence #12

CL 0174

SC00296

HP Exhibit 146

Law and Notarial Offices
Claude C. Lightfoot, Jr., P. C.
A Professional Law Corporation
Executive Tower - Suite 450
3500 N. Causeway Boulevard
Metairie, Louisiana 70002

Paralegals
Andrea V. Timpa
Vicki C. Owens

(504) 838-8571
Fax: (504) 838-8572
E-Mail: cclj.jr@worldnet.att.net

December 21, 2000

Bank of Louisiana MasterCard
P.O. Box 6972
Metairie, LA 70009-6972

COPY

RE: Account [redacted]

Dear Sirs:

I have previously written you that I have been retained to represent Gabriel T. Porteous, Jr. and his wife, Carmella Giardina Porteous, with respect to the indebtedness owed on the above account.

This letter proposes a workout of the debt owed under the above account, which per your last statement is now $1,724.23. In an effort to provide all of my clients' unsecured creditors with immediate payment now and to avoid the necessity of a Chapter 7 bankruptcy filing, we propose the following.

My analysis of the debts and assets of Mr. and Mrs. Porteous shows that they have a family home recently valued at $266,000.00, two leased vehicles, a small IRA, and a federal pension, as well as their household goods and furnishings. In a Chapter 7 case, the leased vehicles would provide a Chapter 7 trustee with nothing to liquidate for the benefit of creditors as Mr. and Mrs. Porteous do not own the vehicles. Further, there is a homestead exemption under LSA-R.S. 20:1 providing $25,000.00 protection over and above the mortgage balances on the family home. Finally, the IRA, Pension, and household goods and furnishings are exempt from seizure under Louisiana law, thus providing a Chapter 7 trustee no value for the benefit of creditors as to these assets. Thus, the only source for payment of unsecured creditors in the event of a Chapter 7 filing would be the family home.

December 21, 2000
Page 2

The debts which are proposed to be worked out are as follows:

1.	American Express Centurion Bank	Balance $11,855.57
2.	Bank of Louisiana Mastercard	Balance $1,724.23
3.	Chase Platinum Mastercard	Balance $10,196.82
4.	Citibank Advantage	Balance $23,987.39
5.	Citibank Advantage	Balance $20,719.58
6.	Citibank USA	Balance $16,981.47
7.	Dillards	Balance $4,673.92
8.	Discover Platinum	Balance $20,783.26
9.	First USA Bank	Balance $5,349.47
10.	First USA Bank, N.A.	Balance $6,757.42
11.	J.C. Penney	Balance $2,763.81
12.	MBNA America	Balance $27,828.31
13.	MBNA America	Balance $28,708.98
	Total	$182,330.23

If there transpired a hypothetical Chapter 7 filing, the Chapter 7 trustee would seek to liquidate the family home, and although under such circumstances a sale price of the appraised value would be unlikely, for the purposes of this workout proposal, let us assume that the property could be liquidated for the appraised value of $266,000.00. The following represents an accounting of what funds would be paid in a distribution to unsecured creditors assuming a sale at that price.

Sale Price:	$266,000.00
Payoff of First Mortgage to Fidelity	$113,279.54
Payoff of Second Mortgage to Bank One	$ 44,998.59
Real Estate Commission (6%/4%)	$ 12,640.00
Closing Costs	$ 1,000.00
Homestead Exemption	$ 25,000.00
Trustee's Commission	$ 16,550.00
Balance Available for Creditors	$ 52,531.87

Of course, the distribution to creditors in a Chapter 7 case takes many months, and the distribution set forth above assumes a sale of the property at appraised value, an event not likely to occur.

Claude C. Lightfoot, Jr., P. C.

Therefore, in order to avoid the filing of Chapter 7 bankruptcy, and in an effort to provide the maximum payment possible to creditors, Mr. and Mrs. Porteous propose to pay a sum equal to 75% of the net available to creditors in the hypothetical Chapter 7 distribution, to be divided amongst the thirteen creditors listed above, pro rata. The total sum to be provided to the group of thirteen would be $39,398.90, and it would provide each of the thirteen creditors a payment of 21% of the balances shown above. The funds will be provided from a third mortgage or refinance of the second mortgage on the property, which is the only source of funds available to Mr. and Mrs. Porteous. The benefit to the creditors is immediate and certain payment of an amount likely to be the maximum that they could expect in a Chapter 7 bankruptcy scenario after months of delay. And of course the ultimate distribution in a Chapter 7 case would be uncertain in amount and could be less that what is offered by Mr. and Mrs. Porteous.

Finally, please recognize that the workout proposed herein can only be finalized and transacted if all of the thirteen agree to it, and all payments would be made in consideration of a release of the remaining balances due by each of the thirteen creditors.

I have attached for your review recent payoff statements from the first and second mortgage lenders as well as a copy of the recent appraisal of the property valuing it at $266,000.00.

Please advise once you have reviewed our proposal of your position on acceptance.

Very truly yours,

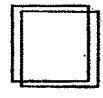
COPY

Claude C. Lightfoot, Jr.

CCL/bmf
Enclosures
cc: Mr. and Mrs. Gabriel T. Porteous, Jr.

SC EXHIBIT - 00011

Your Rights and Responsibilities In Chapter 13



Send Plan Payments To:

S.J. Beaulieu, Jr.
Chapter 13 Trustee
P.O. Box 6537
New York, NY 10249

(504) 831-1313

SC00399

HP Exhibit 148

This brochure is provided to you as a courtesy by the office of your Trustee, S. J. Beaulieu, Jr. Please read it carefully and keep it for reference during the course of your Chapter 13 case. Of course, it is not possible to include all the relevant provisions of bankruptcy law in an eight page brochure, but it will introduce some of the most important things you will need to know about Chapter 13, and we hope that it will answer many of the questions you may have.

Since the Trustee's staff may not give you legal advice, your attorney should be your primary source of information and assistance while you are in Chapter 13. However, do not hesitate to call the Trustee's office if we can help you in any way.

1. YOUR ADDRESS

You must keep the Trustee's office informed of your current mailing address for as long as you are in Chapter 13. All notices, letters and checks to you will be mailed to the address listed on your petition until you or your attorney tell us to mail them somewhere else. If your address changes, you must notify your attorney and the Trustee.

2. YOUR CASE NUMBER

When your Chapter 13 Petition was filed, the Bankruptcy Court assigned it a case number. You will need to know this number whenever you call or write to us about your case. Also, it is very important that your case number be written on all payments made to us.

3. MAKING PAYMENTS TO THE TRUSTEE

Payments are to be made to the Trustee's Office according to the terms of your plan. Payments must begin within thirty days after your plan was filed with the Court. If your payments are not current as of the date of your confirmation hearing, the Court will deny confirmation and your case will be dismissed.

We recommend that you consider making your payments by payroll deduction. That way, your employer deducts your payment from your paycheck and sends it directly to the Trustee's office. With a payroll deduction arrangement, your payments are made automatically, so you save time and trouble and you don't need to remember when your payments are due.

To establish a payroll deduction, all we need is a written request from you or

your attorney, and we will arrange it with your employer. A form will be available for you at your Meeting of Creditors so that you may request a payroll deduction.

If you had a previous Chapter 13 case which was closed less than a year ago, a payroll deduction order is mandatory.

If you choose to make your payments directly to us, you must use only money orders or cashier's or certified checks. Personal checks or cash are not accepted.

We do not accept payments at our office. All payments must be mailed to this address:

S.J. Beaulieu, Jr.
Chapter 13 Trustee
P.O. Box 6537
New York, NY 10249

Remember that it is very important that your case number be written on your payment.

4. ADJUSTMENT OF PAYMENTS

If you are laid off from your job or have an extended illness which makes it impossible for you to continue making your payments, contact your attorney as soon as you are aware that you will

have difficulty making your payments. In some cases the Court may allow you to skip some payments or amend your plan reducing your required payments.

Don't simply stop making your payments, as this will result in having your case dismissed and losing the Court's protection against your creditors.

5. YOUR CREDITORS

All creditors listed in your plan have been instructed to file a claim with the Court for the amount you owe. Unsecured creditors have ninety days from the date of your Meeting of Creditors to file a claim. Unsecured claims filed late will normally be disallowed. Claims disallowed or not filed will not be paid. If a non-dischargeable creditor does not file a claim, you or your attorney have the right to file a claim on the creditor's behalf.

Within four months after your Meeting of Creditors, after the unsecured claims filing deadline, we will mail to you and your attorney a Trustee's Notice of Intention to Pay Claims, listing the amounts of the claims your creditors have filed. Review this notice very carefully. If you disagree with an amount listed by a creditor, notify your attorney immediately. Unless you file an objection, we will assume that you

agree with the claims and will pay them as filed.

All creditors listed in your schedules are ordered by the Court not to contact you in any way about your debt. If any of them continue to mail notices to you, notify your attorney. Should you get a telephone call a visit from a creditor, let the creditor know that you are in Chapter 13. Get the name of the person who contacts you and do not discuss your debt with them. Should you be served with a summons to go to court, do not ignore it—notify your attorney immediately.

6. CREDIT WHILE IN CHAPTER 13

You may not borrow money or buy anything on credit while in Chapter 13 without permission from the bankruptcy Court. This includes the use of credit cards or charge accounts of any kind. If you or a family member you support buys something on credit without Court approval, the Court could order the goods returned.

7. SALE OF PROPERTY

You may not sell any of your property while in Chapter 13 without first obtaining Court approval.

8. PAYMENTS TO CREDITORS OUTSIDE THE PLAN

Your Chapter 13 Plan may or may not include your house, mobile home or car payments. Make sure that you understand which creditors are to be paid by the Trustee and which you are supposed to pay directly. If you are supposed to make any payments yourself, you must make them as well as your Chapter 13 payments on time. If you do not remain current with your direct payments, the Court will allow your creditor to foreclose on your home or other collateral.

9. TAX REFUNDS

Federal and Louisiana Income Tax refunds can be withheld by the taxing authorities to offset taxes due to them. The Trustee also has the right to use these refunds to fund your plan.

10. LAWSUITS

You must notify the Trustee if you have filed a lawsuit against anyone. You must provide us the name and address of the attorney representing you in the lawsuit, the case number and the court in which it is filed, and a report at least every six months on the status of the suit.

Any proceeds received by you as a result of the suit must be turned over to the Trustee to fund your plan; however, these funds do not take place of your required plan payments.

11. DISMISSAL OF YOUR CASE

Bankruptcy law allows you to request that your case be dismissed at any time. If you wish to voluntarily dismiss your case, contact your attorney.

Your case may be involuntarily dismissed by the Court if you do not keep current with your payments to the Trustee or if you fail to comply with some other provision of law.

You should understand that a dismissal will force you to deal with your creditors on their terms, not yours or the Court's. You will have to pay all interest, late charges and collection costs not allowed under Chapter 13. You will also have to pay debts owed to creditors whose claims were disallowed.

SC EXHIBIT - 00020

Harrah's

CASINO CREDIT APPLICATION

DATE 4/30/01 CASHIER SIGNATURE [illegible]
TIME 11:26 ☐ AM ☒ PM LICENSE NUMBER 00721
APPLICATION REC'D ☐ MAIL IN ☐ WALK IN ☐ PHONE IN

DOB 12, 15, 46
CUST ACCT # 301957
ARRIVAL DATE FIRST

A Porteous	First Gabriel	M.I.	
A	MOTHER'S MAIDEN NAME	SPOUSE	
RESIDENCE STREET ADDRESS 1801 Neyrey Dr	RESIDENCE PHONE NUMBER (504) 455-5879	NUMBER OF YEARS 27	
TY Metairie	STATE LA	ZIP CODE 70002	
REDIT REQUESTED 4,000			
AIL TO BE SENT HOME ☒ BUSINESS ☐ OTHER			
PLOYMENT: NAME OF FIRM (PLEASE NOTE IF RETIRED) U.S. Government	SOLE PROPRIETORSHIP ☐ YES ☒ NO		
OSITION Judge	TYPE OF BUSINESS	NUMBER OF YEARS 6	
RMS STREET ADDRESS ftonT 500 Camp St	BUSINESS PHONE NUMBER (504) 589-7585		
ITY New Orleans	STATE LA	ZIP CODE 70130	
EFERENCE Jude Marullo			

BANK #1 - Checking Account Only No Partnership or Corporation: Bank One		A.B.A.# 065400013
BRANCH Severn		ACCT.# PERSONAL [redacted]
STREET ADDRESS 3420 SEVERNE AVE		ACCT.# BUS. SOLE PROP.
CITY, STATE, ZIP METAIRIE LA. 70002		PHONE NUMBER (504) 456-336
BANK OFFICER	POSITION	
BANK #2 - Checking Account Only No Partnership or Corporation		A.B.A.#
BRANCH		ACCT.# PERSONAL
STREET ADDRESS		ACCT.# BUS. SOLE PROP.
CITY, STATE, ZIP		PHONE NUMBER ( )
BANK OFFICER	POSITION	
BANK #3 - Checking Account Only No Partnership or Corporation		A.B.A.#
BRANCH		ACCT.# PERSONAL
STREET ADDRESS		ACCT.# BUS. SOLE PROP.
CITY, STATE, ZIP		PHONE NUMBER ( )
BANK OFFICER	POSITION	

PERSONAL IDENTIFICATION

001685833 PHOTO ☒ YES ☐ NO

STATE LA EXP. DATE 12/15/02 ☒ MALE ☐ FEMALE DESCRIPTION ☒ YES ☐ NO

PASSPORT NUMBER	EXP. DATE	COUNTRY
OTHER ID PRESENTED - TYPE:	EXP. DATE	ID NUMBER

CREDIT CARD	EST. DATE	EXP. DATE	ACCOUNT NUMBER

	DOB	HEIGHT	WEIGHT	HAIR COLOR	EYE COLOR
CUSTOMER DESCRIPTION	12, 15, 46	5'10"	190	BRN	HZL

CLASSES ☐ YES ☒ NO IDENTIFYING FEATURES (SCARS, ETC.)

ID TAKEN BY: DATE 04/30/01 TIME 11:26 ☐ AM ☒ PM
SIGNATURE OF CASHIER Logan Wiltman LIC.# 01947

FINANCIAL INFORMATION SUPPORTING CREDIT LIMIT REQUEST

INCOME	SOURCE/AMT.
100K+	Salary
250+	Home
INDEBTEDNESS 0	SOURCE/AMT.

I authorize Harrah's New Orleans, A Jazz Casino Company Property to investigate my credit report and to furnish information concerning such credit records to credit reporting agencies and others who may properly receive this information.

"I certify that I have reviewed all of the information provided above and that it is true and accurate. I authorize Harrah's New Orleans, A Jazz Casino Company Property to conduct such investigations pertaining to the above information as it deems necessary for the approval of my credit limit. I certify that I am 21 years of age or older. I am aware that this application is required to be prepared by the regulations of the Division and I may be subject to civil or criminal liability if any material information provided by me is willfully false. I hereby authorize Harrah's New Orleans, A Jazz Casino Company Property, in its sole discretion, to apply any and all chips I may redeem first to the reduction of any outstanding credit balance, with the remainder, if any, to be returned to me. I agree that this application and all credit issued pursuant there to will be governed, construed and interpreted pursuant to the laws of the State of Louisiana and venue shall be solely in that state."

Know When to Stop Before You Start
1-800-522-4700

PATRON'S SIGNATURE

SC00585

HP Exhibit 149

01/06/97 $14846.47 $309.00 SITE:SD-CI TM:LG-8200 ACID:SDSC076

PM DUE DATE NEW BALANCE MIN AMT DUE

NV 00 A1 1 0494 VA 0008 VI 4 04/30/01 17:49:30

G THOMAS PORTEOUS
US DISTRICT CT
500 CAMP ST SEC T
NEW ORLEANS LA
70130-3313

CITIBANK AADVANTAGE
P.O. BOX 8108
S HACKENSACK, NJ
USA 07606-8108

For Customer Service call or write

800-950-5114
BOX 6000
THE LAKES, NV
89163-6000

For billing inquiries write to this address; calling will not preserve your rights.

itibank AAdvantage

ccount Number

0426

AYMENT DUE DATE 01/06/97

Statement Date	Total Credit Line	Cash Advance Limit	New Balance	Available Credit Line	Available Cash Line
12/12/96	$16000	$16000	$14846.47	$1153	$1153

ate Dt	Past Dt	Reference #	Activity Since Last Statement		Amount	T/C	Bin # or Mer #	RA	Sic
	1209	60458163	PAYMENT THANK YOU		24000-	70 0000	0	0	
	1209	60458162	PAYMENT THANK YOU		126000-	70 0000	0	0	
113	1113	GQWVWHCJ	SCHWEGMANN #4 S3R METAIRIE	LA	6129	61Q5411US	4E	0	24455016318
120	1120	JK5CJSYC	AMERICAN AIR0012183714017TICKET MAILE	TX	91145	61Q3001US	JN	10	24310446326
122	1122	FGBDPM62	COMCHEK*TREASURE CHEST KENNER	LA	52999	61Q4829US	AE	0	24233376328
130	1130	B2TDQ5Q1	MAISON BLANCHE #142 METAIRIE	LA	23341	61Q5311US	KE	0	24445006335

*** AADVANTAGE MILES UPDATE ***

Miles Accumulated This Billing Period: 1,736
Miles Reported To American Airlines: 1,736

HAPPY HOLIDAYS FROM ALL OF US AT CITIBANK!
We'd like to take a moment to thank you for being a Citibank cardmember and let you know that we appreciate your business. Warmest wishes for the coming year.

NOW YOUR COMPANY CAN OFFER MILES TOO!
The American Airlines AAdvantage Miles Program lets your company use AAdvantage miles as a customer or employee incentive. Use the power of the AAdvantage name. Call 1-800-771-5000 today.

Account Summary

	Previous Balance	+ Purchases & Advances	- Payments	- Credits	+ Finance Charges	+ Late Charges	= Balance
urchases	1438371	173614	150000		22662		1484647
dvances							
otal	1438371	173614	150000		22662		1484647

Amount Due

Pur Min Due	30900
Adv Min Due	
Amount OCL	
Fees	
Past Due	
Min Amt Due	30900

Rate Summary	PURCHASES	ADVANCES
Number of days this Billing Period 30		
Balance subject to Finance Charge	15408.04	
Periodic Rate	1.47080%	.04836%
Nominal Annual Percentage Rate	17.650%	17.650%
Annual Percentage Rate	17.650%	17.650%

HP Exhibit 167

American Judicature
Society

ACCOUNT NUMBER	
0877	
PAYMENT DUE DATE	NEW BALANCE TOTAL
01/19/98	$15,569.25
TOTAL MINIMUM PAYMENT DUE	AMOUNT ENCLOSED
$311.00	

Make check
payable to:
MBNA AMERICA 18
P.O. BOX 15019
WILMINGTON, DE 19886-5019

CARDHOLDER SINCE 1985

G T PORTEOUS JR
SECTION T
500 CAMP ST
NEW ORLEANS LA 70130-331300

198865408 1

S 0877
S 0877

ACCOUNT NUMBER	CREDIT LINE	CASH OR CREDIT AVAILABLE	DAYS IN CYCLE	CLOSING DATE	TOTAL MINIMUM PAYMENT DUE	PAYMENT DUE DATE
0877	$23,300	$7,730.75	29	12-19-97	$311.00	01/19/98

POSTING DATE	TRANS DATE	REFERENCE NUMBER	SOURCE TYPE	TRANSACTIONS	DECEMBER 1997 STATEMENT	CHARGES	CREDITS (CR)
PAYMENTS AND CREDITS							
1208		34234102117	MC	PAYMENT - THANK YOU			2,500.00 CR
				TOTAL FOR BILLING CYCLE FROM 11/21/1997 THROUGH 12/19/1997		$.00	$2,500.00 CR

IMPORTANT NEWS

USE THE ENCLOSED CHECKS TO HELP CONSOLIDATE BILLS. OR CALL A BALANCE CONSOLIDATION SPECIALIST AT 1-888-515-3310 FOR BILL CONSOLIDATION ASSISTANCE.

TAKE ADVANTAGE OF YOUR LOW, PROMOTIONAL ANNUAL PERCENTAGE RATE SHOWN BELOW ON BALANCE TRANSFERS AND CREDIT CARD ACCESS CHECKS NOW THROUGH YOUR STATEMENT CLOSING DATE IN APRIL 1998!

SUMMARY OF TRANSACTIONS

Previous Balance	−Payments and Credits	+ Cash Advances	+ Purchases &Adjustments	+Periodic Rate FINANCE CHARGES	+Transaction Fee FINANCE CHARGES	=New Balance Total
$17,814.16	$2,500.00	$0.00	$0.00	$255.09	$0.00	$15,569.25

TOTAL MINIMUM PAYMENT DUE

Past Due Amount	$0.00
Current Payment	$311.00
Total Min Payment Due	$311.00

FINANCE CHARGE SCHEDULE

Category	Periodic Rate		Corresponding Annual Percentage Rate	Balance Subject to Finance Charges
A. BALANCE TRANSFER, CHECKS	.018904%	DLY	06.90%	$0.00
B. ATM, BANK.	.052027%	DLY	18.99%	$0.00
C. PURCHASES	.052027%	DLY	18.99%	$16,907.05
D. OTHER BALANCES.	.000000%	DLY	00.00%	$0.00

FOR THIS BILLING PERIOD
ANNUAL PERCENTAGE RATE . . . 18.99%
(Includes Periodic Rate And Transaction Fee Finance Charges)

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PAGE 1 OF 1

FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY

- For our automated Direct Connect service, call 1-800-789-6685
- To speak to one of our Customer Satisfaction representatives, call 1-800-789-6701
- For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-346-3178
- Billing rights are preserved only by written inquiry. Mail billing inquiries and all other account inquiries to: MBNA AMERICA P.O. BOX 15026 WILMINGTON, DE 19850-5026

HP Exhibit 168

American Judges
Association

ACCOUNT NUMBER	
1290	
PAYMENT DUE DATE	NEW BALANCE TOTAL
01/03/98	$18,146.85
TOTAL MINIMUM PAYMENT DUE	AMOUNT ENCLOSED
$670.00	

Make check payable to:
MBNA AMERICA 06
P.O. BOX 15137
WILMINGTON, DE 19886-5137

1988664090

CARDHOLDER SINCE 1992

G T PORTEOUS JR
US DISTRICT COURT
500 CAMP ST SECTION T
NEW ORLEANS LA 70130-331300

1290
1290

ACCOUNT NUMBER	CREDIT LINE	CASH OR CREDIT AVAILABLE	DAYS IN CYCLE	CLOSING DATE	TOTAL MINIMUM PAYMENT DUE	PAYMENT DUE DATE
1290	$18,200	$53.15	29	12-04-97	$670.00	01/03/98

POSTING DATE	TRANS DATE	REFERENCE NUMBER	Cost Cat TYPE	TRANSACTIONS	DECEMBER 1997 STATEMENT	CHARGES	CREDITS (CR)
PAYMENTS AND CREDITS							
1120		88410197323904810321345	MC	KMART 00004810 METAIRIE	LA		25.00 CR
PURCHASES AND ADJUSTMENTS							
1115	1113	70485417318075891075329	MC C	[illegible]	LA	738.99	
1115	1113	70485417318075891075329	MC C	[illegible]		14.77	
1115	1113	70485417318075891075337	MC C	[illegible]	LA	738.99	
1115	1113	70485417318075891075337	MC C	[illegible]		14.77	
1115	1113	70485417318075891076311	MC C	[illegible]	LA	849.99	
1115	1113	70485417318075891076311	MC C	[illegible]		16.99	
1119	1117	80410197322904810321012	MC C	[illegible]	LA	41.30	
1129	1126	80421077332000738252402	MC C	[illegible]	LA	37.46	
1204	1204	00000000000000	MC C	[illegible]		25.00	
				[illegible] 11/06/1997 THROUGH 12/04/1997		$2,478.25	$25.00 CR

IMPORTANT NEWS YOU ARE A VALUED CUSTOMER. WE WANT TO MAKE SURE YOU ARE AWARE THAT WE HAVE NOT RECEIVED YOUR PAYMENT. PLEASE SEND THE AMOUNT DUE TODAY. IF IT HAS BEEN MAILED, THANK YOU.

SUMMARY OF TRANSACTIONS

Previous Balance	-Payments and Credits	+ Cash Advances	+ Purchases &Adjustments	+Periodic Rate FINANCE CHARGES	+Transaction Fee FINANCE CHARGES	=New Balance Total
$15,432.58	$25.00	$0.00	$2,431.73	$261.01	$46.53	$18,146.85

TOTAL MINIMUM PAYMENT DUE

Past Due Amount	$308.00
Current Payment	$362.00
Total Min Payment Due	$670.00

FINANCE CHARGE SCHEDULE

Category	Periodic Rate		Corresponding Annual Percentage Rate	Balance Subject to Finance Charges
A. BALANCE TRANSFER, CHECKS	.018904%	DLY	06.90%	$0.00
B. ATM, BANK.	.051780%	DLY	18.90%	$0.00
C. PURCHASES	.051780%	DLY	18.90%	$17,381.41
D. OTHER BALANCES.	.000000%	DLY	00.00%	$0.00

FOR THIS BILLING PERIOD
ANNUAL PERCENTAGE RATE... 21.23%
(Includes Periodic Rate And Transaction Fee Finance Charges)

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PAGE 1 OF 1

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- Billing rights are preserved only by written inquiry. Mail billing inquiries and all other account inquiries to:
MBNA AMERICA P.O. BOX 15026
WILMINGTON, DE 19850-5026

The Travelers Bank

THE TRAVELERS BANK USA
PO BOX 15109
WILMINGTON DE 19850-5109

Address Correction-Please Print
Street
City State Zip Code
Area Code Home Area Code Work

DRAT
15B 7 20 2
55240001

MINIMUM PAYMENT DUE	PAST DUE AMOUNT	PAYMENT DUE DATE	NEW BALANCE	ACCOUNT NUMBER	PLEASE WRITE IN AMOUNT OF PAYMENT ENCLOSED
0.00	0.00	01/24/98	9378.76	0642	$

USE ENCLOSED ENVELOPE AND MAKE PAYMENT TO

PLEASE DETACH AND ENCLOSE TOP PORTION WITH PAYMENT.

TRAVELERS BANK
PO BOX 6214
CAROL STREAM, IL 60197-6214

GABRIEL T PORTEOUS JR
US DISTRICT COURT
500 CAMP ST,SECTION T
NEW ORLEANS LA 70130

CALL US TOLL FREE: 800-772-2221

PAST DUE NUMBER	PLAN	ATTACHED ORIGINAL	DATE OF CLOSING	SELLING CYCLE	PAYMENT DUE DATE	MINIMUM* PAYMENT DUE
0642	16000	6621	32	12/30/97	01/24/98	0.00

CYCLE ASSIGNS	POST	REFERENCE NUMBER	PURCHASE NAME OR TRANSACTION DESCRIPTION	AMOUNT
1222	1222	7043178B50WF81XRF	LORD&TAYLOR L&T BETTER NEW ORLEANS LA	87.19
1222	1222	7043178B50WF81XR7	LORD&TAYLOR KNITS & MU NEW ORLEANS LA	32.69
1222	1222	8044299B5EMJXT2E0	SALONSENJO METAIRIE LA	150.00
1226	1226	8530890B837FSMRZT	PAYMENT - THANK YOU	2500.00-
		FINANCE CHARGE PURCHASES	$113.70 CASH ADVANCE $17.74	131.44

PREVIOUS BALANCE	PAYMENTS	CREDITS	PURCHASES AND CASH ADVANCES	FEES	FINANCE CHARGE	NEW BALANCE
11477.44	2500.00	0.00	269.88	0.00	131.44	9378.76

AN AMOUNT FOLLOWED BY A MINUS SIGN (-) IS A CREDIT OR A CREDIT BALANCE UNLESS OTHERWISE INDICATED.

EFFECTIVE 12/1/97, PLEASE MAIL YOUR PAYMENTS TO OUR NEW REMITTANCE ADDRESS, TRAVELERS BANK, PO BOX 6214, CAROL STREAM, IL 60197-6214. IF YOU ARE CURRENTLY USING A BILL PAYER SERVICE, PLEASE ADVISE THEM OF THIS CHANGE IMMEDIATELY TO ENSURE TIMELY CREDITING OF YOUR PAYMENTS.

SEND PAYMENTS TO: PO BOX 6214 CAROL STREAM IL 601976214
*INCLUDES ANY AMOUNT PAST DUE AND/OR OVERLIMIT

			ANNUAL PERCENTAGE RATE					
							.00	9475.22
NOMINAL APR	14.40%	14.40%						
MONTHLY PERIODIC RATE	1.200%	1.200%	14.40%	14.40%	N/A	N/A	.00	1477.98

15B

NOTICE: See reverse side for important information.

12/06/97 $16424.87 $677.00 SITE:SD-CI TM:LG-8200 ACID:SDSC076
PMT DUE DATE NEW BALANCE MIN AMT DUE

NV 00 A1 1 0494 VA 0008 VI 4 04/30/01 17:49:30

G THOMAS PORTEOUS
US DISTRICT CT
500 CAMP ST SEC T
NEW ORLEANS LA
70130-3313

CITIBANK AADVANTAGE
P.O. BOX 8108
S HACKENSACK, NJ
USA 07606-8108

For Customer Service call or write

1-800-950-5114
BOX 6000
THE LAKES, NV
89163-6000

For billing inquiries write to this address; calling will not preserve your rights.

Citibank AAdvantage

Account Number
[redacted]

PAYMENT DUE DATE 12/06/97

Statement Date	Total Credit Line	Cash Advance Limit	New Balance	Available Credit Line	Available Cash Line
11/12/97	$19000	$16000	$16424.87	SEE BELOW	SEE BELOW

Sale Dt	Post Dt	Reference #	Activity Since Last Statement	Amount	T/C	Bin # or Mer #	RA	SIC
	1112		LATE FEE - OCT PAYMENT PAST DUE	20 00	66 0000	0		70000000000

*** AADVANTAGE MILES UPDATE ***
Miles Accumulated This Billing Period: 0

Don't forget! Prompt payment of at least the minimum amount due by your payment due date is required in order to maintain your current low rate.

Your account is past due. Please pay the minimum amount due before using your card again. If you have already sent us this payment, thank you.

Our records show home phone 504-455-5879 and business phone 504-589-2448. Please update above coupon if incorrect.

THE AADVANTAGE PROGRAM OFFERS SAME DAY SERVICE
With Same Day Service for a fee of $75, AADVANTAGE mileage award tickets may be picked up two hours after making your reservations. Simply dial 1-800-882-8880 and ask for Same Day Service!

Account Summary

	Previous Balance	+ Purchases & Advances	- Payments	- Credits	+ Finance Charges	+ Late Charges	= Balance
Purchases	16163 76				241 11	20 00	16424 87
Advances							
Total	16163 76				241 11	20 00	16424 87

Amount Due

Pur Min Due	341 00
Adv Min Due	
Amount OCL	
Fees	
Past Due	336 00
Min Amt Due	677 00

Rate Summary		PURCHASES	ADVANCES
Number of days this Billing Period	30		
Balance subject to Finance Charge		16163.76	
Periodic Rate		1.49170%	.04904%
Nominal Annual Percentage Rate		17.900%	17.900%
Annual Percentage Rate		17.900%	17.900%

PMT DUE DATE	NEW BALANCE	MIN AMT DUE
01/06/98	$424.20	$219.34

SITE:SD-CI TM:LG-8200 ACID:SDSC076

NV 00 A1 1 0494 VA 0008 VI 4 04/30/01 17:49:30

G THOMAS PORTEOUS
US DISTRICT CT
500 CAMP ST SEC T
NEW ORLEANS LA
70130-3313

CITIBANK AADVANTAGE
P.O. BOX 8108
S HACKENSACK, NJ
USA 07606-8108

For Customer Service call or write

1-800-950-5114
BOX 6000
THE LAKES, NV
89163-6000

For billing inquiries write to this address; calling will not preserve your rights.

Citibank AAdvantage

Account Number
[redacted]

PAYMENT DUE DATE 01/06/98

Statement Date	Total Credit Line	Cash Advance Limit	New Balance	Available Credit Line	Available Cash Line
12/12/97	$19000	$16000	$424.20	$18575	$16000

Sale Dt	Post Dt	Reference #	Activity Since Last Statement	Amount	T/C	Bin # or Mer #	RA	Sic
1208	1208	62321448	PAYMENT THANK YOU	1675000-	70	0000	0	0
1113	1113	XZSBPM62	COMCHEK*TREASURE CHEST KENNER LA	52999	61	Q4829US	JN 0	24233377318

*** AADVANTAGE MILES UPDATE ***
Miles Accumulated This Billing Period: 530
Miles Reported To American Airlines: 530

HAPPY HOLIDAYS FROM ALL OF US AT CITIBANK!
We'd like to take a moment to thank you for being a Citibank cardmember and let you know that we appreciate your business. Warmest wishes for the upcoming year.

Please see the enclosed change in terms notice for important information about changes to your Citibank Card Agreement. These changes will be effective on the date of your January, 1998 billing statement and will appear on your February statement.

Earn up to 25,000 miles! Just use your Citibank AAdvantage VISA card to enroll in a 3-day Nicklaus/Flick Golf school program nationwide from 1/1/98-5/31/98. Call 1-800-642-5528 or see www.nicklaus.com. Nicklaus/Flick prefers VISA.

Account Summary

	Previous Balance	+ Purchases & Advances	- Payments	- Credits	+ Finance Charges	+ Late Charges	= Balance
Purchases	1642487	52999	1675000		21934		42420
Advances							
Total	1642487	52999	1675000		21934		42420

Amount Due

Pur Min Due	21934
Adv Min Due	
Amount OCL	
Fees	
Past Due	
Min Amt Due	21934

Rate Summary	PURCHASES	ADVANCES
Number of days this Billing Period 30		
Balance subject to Finance Charge	14703.86	
Periodic Rate	1.49170%	.04904%
Nominal Annual Percentage Rate	17.900%	17.900%
Annual Percentage Rate	17.900%	17.900%

American Judicature
Society

ACCOUNT NUMBER	
	0877
PAYMENT DUE DATE	NEW BALANCE TOTAL
01/20/99	$16,550.08
TOTAL MINIMUM PAYMENT DUE	AMOUNT ENCLOSED
$331.00	

Make check payable to:
MBNA AMERICA
P.O. BOX 15019
WILMINGTON, DE 19886-5019

1988654081

CARDHOLDER SINCE 1985

18

G T PORTEOUS JR
SECTION T
500 CAMP ST
NEW ORLEANS LA 70130-331399

0877
0877

ACCOUNT NUMBER	CREDIT LINE	CASH OR CREDIT AVAILABLE	DAYS IN CYCLE	CLOSING DATE	TOTAL MINIMUM PAYMENT DUE	PAYMENT DUE DATE
[redacted] 0877	$25,700	$9,149.92	29	12-19-98	$331.00	01/20/99

POSTING DATE	TRANS DATE	REFERENCE NUMBER	CODE	TRANSACTIONS	DECEMBER 1998 STATEMENT	CHARGES	CREDITS (CR)
PAYMENTS AND CREDITS							
1218		35253144481	MC	PAYMENT - THANK YOU			350.00 CR
				TOTAL FOR BILLING CYCLE FROM 11/21/1998 THROUGH 12/19/1998		$.00	$350.00 CR

IMPORTANT NEWS

DURING THE HOLIDAYS USE THE THREE ENCLOSED CHECKS TO CONSOLIDATE YOUR BALANCES OR CALL 1-888-515-3308 AND HAVE A BALANCE CONSOLIDATION SPECIALIST ASSIST YOU.

PLANNING YOUR NEXT CRUISE OR VACATION? FOR EXCEPTIONAL TRAVEL VALUES, CALL PALLADIAN TRAVEL SERVICES TODAY AT 1-800-435-7291. PLEASE MENTION CODE 0ECD1.

STAY AT HOME FOR THE HOLIDAYS, SHOP ONLINE, AND USE YOUR MASTERCARD. TO LEARN MORE ABOUT SHOPPING ON THE INTERNET VISIT WWW.MASTERCARD.COM

SUMMARY OF TRANSACTIONS

Previous Balance	-Payments and Credits	+ Cash Advances	+ Purchases &Adjustments	+Periodic Rate FINANCE CHARGES	+Transaction Fee FINANCE CHARGES	=New Balance Total
$16,647.43	$350.00	$0.00	$0.00	$252.65	$0.00	$16,550.08

TOTAL MINIMUM PAYMENT DUE

Past Due Amount	$0.00
Current Payment	$331.00
Total Min Payment Due	$331.00

FINANCE CHARGE SCHEDULE

Category	Periodic Rate	Corresponding Annual Percentage Rate	Balance Subject to Finance Charges
A. BALANCE TRANSFER, CHECKS	.018904% DLY	06.90%	$0.00
B. ATM, BANK.	.052027% DLY	18.99%	$0.00
C. PURCHASES	.021643% DLY	07.90%	$0.00
D. OTHER BALANCES.	.052027% DLY	18.99%	$16,745.09

FOR THIS BILLING PERIOD
ANNUAL PERCENTAGE RATE... 18.99%
(Includes Periodic Rate And Transaction Fee Finance Charges)

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PAGE 1 OF 1

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  MBNA AMERICA P.O. BOX 15026
  WILMINGTON, DE 19850-5026

HP Exhibit 169

American Judges
Association

ACCOUNT NUMBER	
1290	
PAYMENT DUE DATE	NEW BALANCE TOTAL
01/05/99	$17,155.76
TOTAL MINIMUM PAYMENT DUE	AMOUNT ENCLOSED
$343.00	

Make check payable to:
MBNA AMERICA 06
P.O. BOX 15019
WILMINGTON, DE 19886-5019

1988654081

CARDHOLDER SINCE 1992

G T PORTEOUS JR
US DISTRICT COURT
500 CAMP ST SECTION T
NEW ORLEANS LA 70130-331399

S 1290
S .1290

ACCOUNT NUMBER	CREDIT LINE	CASH OR CREDIT AVAILABLE	DAYS IN CYCLE	CLOSING DATE	TOTAL MINIMUM PAYMENT DUE	PAYMENT DUE DATE
1290	$24,200	$7,044.24	29	12-04-98	$343.00	01/05/99

POSTING DATE	TRANS DATE	REFERENCE NUMBER	TRANS TYPE	TRANSACTIONS — DECEMBER 1998 STATEMENT	CHARGES	CREDITS (CR)
PAYMENTS AND CREDITS						
1204		33852351123 MC		PAYMENT - THANK YOU		350.00 CR
PURCHASES AND ADJUSTMENTS						
1203	1201	78453268336/94330616891 MC	C	HOME GARDEN CLUB 877 844 9552 MD *	59.95	
				TOTAL FOR BILLING CYCLE FROM 11/06/1998 THROUGH 12/04/1998	$59.95	$350.00 CR

IMPORTANT NEWS

TAKE ADVANTAGE OF THE HOLIDAY SEASON BY USING THE THREE ENCLOSED CHECKS. OR, CALL 1-888-515-3308 TO CONSOLIDATE YOUR BALANCES TODAY.

PLANNING YOUR NEXT CRUISE OR VACATION? FOR EXCEPTIONAL TRAVEL VALUES, CALL PALLADIAM TRAVEL SERVICES TODAY AT 1-800-435-7291. PLEASE MENTION CODE DEC01.

SAVE 20% AT MORE THAN 7,000 PARTICIPATING RESTAURANTS. CALL 1-800-422-5090 TO REQUEST THE NO ANNUAL FEE TRANSMEDIA CARD. PLEASE REFERENCE CODE "MB52".

SUMMARY OF TRANSACTIONS

Previous Balance	−Payments and Credits	+ Cash Advances	+ Purchases &Adjustments	+Periodic Rate FINANCE CHARGES	+Transaction Fee FINANCE CHARGES	=New Balance Total
$17,185.92	$350.00	$0.00	$59.95	$259.89	$0.00	$17,155.76

TOTAL MINIMUM PAYMENT DUE	
Past Due Amount	$0.00
Current Payment	$343.00
Total Min Payment Due	$343.00

FINANCE CHARGE SCHEDULE Category	Periodic Rate		Corresponding Annual Percentage Rate	Balance Subject to Finance Charges
A. BALANCE TRANSFER, CHECKS	.018904%	DLY	06.90%	$0.00
B. ATM, BANK.	.051780%	DLY	18.90%	$0.00
C. PURCHASES	.051780%	DLY	18.90%	$17,307.29
D. OTHER BALANCES.	.000000%	DLY	00.00%	$0.00

FOR THIS BILLING PERIOD
ANNUAL PERCENTAGE RATE . . . 18.90%
(Includes Periodic Rate And Transaction Fee Finance Charges)

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XRAT 981230 Page 1 of 1
MKD 6 7 20 3
5524 0005 1289 0500 O1AD5524

Account Statement	Page 1 of 1
Statement Date	**12/30/98**
Account number	[redacted]0642
New balance	$10,545.56
Past due amount	$0.00
Minimum payment due	**$211.00**
Payment due date	**01/22/99**

Account Summary	
Previous balance	$9,546.86
Payments and credits	$200.00
Purchases and advances	$1,052.99
FINANCE CHARGE	$145.71
Debit adjustments	$0.00
New balance	$10,545.56

Credit Limit	$16,000
Available Credit	$5,454
Days in billing period	30

call toll-free: 800-772-2221
International call collect: 1-302-451-6100
Send payments to: PO BOX 6214
CAROL STREAM, IL 60197-6214

GOLD MASTERCARD® FOR ABA MEMBERS

Transactions

Trans	*Post*	*Reference Number*	*Description*	*Amount*
12/01	12/01	8045079NZ3V7WJBBE	USA*TREASURE CHEST CASKENNER LA	1,052.99
12/01	12/01		CASH ADVANCE FEE	26.32
12/29	12/29	8530890PV37QKZ0RK	PAYMENT - THANK YOU	200.00-
		FINANCE CHARGE	PURCHASES $82.22 CASH ADVANCE $37.17	119.39

An amount followed by a minus (-) is a credit or credit balance.

Finance Charge Information

	Average Daily Balance	Daily Periodic Rate	Nominal APR	Annual Percentage Rate (APR)	Transaction Fees	Finance Charge
Purchases	7,329.89	0.03739%	13.65%	13.65%	0.00	82.22
Cash	3,314.27	0.03739%	13.65%	23.31%	26.32	63.49

Travelers News

NEW ABA MEMBER BENEFITS DELIVER SAVINGS AT THE OFFICE AND ON THE GO! EFFECTIVE IMMEDIATELY, ABA MEMBERS SAVE 5% ON BUSINESS LONG DISTANCE SERVICE FROM SPRINT AND 5% ON SELECTED MONTHLY WIRELESS BUSINESS PACKAGES FROM SPRINT PCS. CALL 800-953-4213 FOR DETAILS

GIVE SECURITY AND CONVENIENCE TO A FAMILY MEMBER BY REQUESTING AN ADDITIONAL CARD! IT'S FREE AND EASY - JUST CALL THE TOLL-FREE NUMBER ON THE BACK OF YOUR CARD.

Please detach bottom portion and return with your payment in the enclosed envelope.

TravelersBank
A Member of TravelersGroup
P.O. Box 15109
Wilmington, DE 19850-5109

Account number	[redacted]642
New balance	$10,545.56
Minimum payment due	**$211.00**
Payment due date	**01/22/99**

Amount enclosed: $

Make check or money order payable to: Travelers Bank
To ensure proper credit, please return this portion with your payment at least 5 business days prior to the due date.
Please write your account number on the check.

Make changes to address and phone number below:

Address
City State Zip
Home phone
Business phone

TRAVELERS BANK USA
PO BOX 6214
CAROL STREAM, IL 60197-6214

GABRIEL T PORTEOUS JR
US DISTRICT COURT
500 CAMP ST,SECTION T
NEW ORLEANS LA 70130-3313

[redacted]0642002110010545560020000020

01/04/00 $22412.15 $878.15 SITE:SD-CI TM:LG-8200 ACID:SDSC076
PAST DUE DATE | NEW BALANCE | MIN AMT DUE

NV 21 A1 1 0494 VA 0008 VI 4 04/30/01 17:49:36

G THOMAS PORTEOUS
US DISTRICT CT
500 CAMP ST SEC T
NEW ORLEANS LA
70130-3313

CITIBANK AADVANTAGE
P.O. BOX 6408
THE LAKES, NV
USA 88901-6408

For Customer Service call or write

1-800-950-5114
BOX 6000
THE LAKES, NV
89163-6000

For billing inquiries write to this address; calling will not preserve your rights.

Citibank AAdvantage

Account Number 0426

PAYMENT DUE DATE 01/04/00

Statement Date	Total Credit Line	Cash Advance Limit	New Balance	Available Credit Line	Available Cash Line
12/10/99	$22000	$16000	$22412.15	SEE BELOW	SEE BELOW

Sale Dt	Post Dt	Reference #	Activity Since Last Statement	Amount	T/C	Bin # or Mer #	RA	Sic
	12031	2574316	PAYMENT THANK YOU	50000-	70	0000	0	0
1110	1111	P62F87V3	GCA*HARRAH'S NEW ORLEANS 800-644-0439 LA	105299	61	07995US	AE	0 24492809315
1204	1204	W36CQMXS	KMART 00004810 METAIRIE LA	5216	61	05311US	AE	0 24399009340

*** AADVANTAGE MILES UPDATE ***

Miles Accumulated This Billing Period: 1,105
Miles Reported To American Airlines: 1,105

Your account balance is over the credit line. To ensure you continue to receive the many benefits of your cardmembership, please send the Minimum Amount Due shown below. If you have already sent us this payment, thank you.

HAPPY HOLIDAYS FROM ALL OF US AT CITIBANK! We'd like to take a moment to thank you for being a Citibank cardmember and let you know that we appreciate your business. Warmest wishes for the upcoming year.

You need a credit card when renting a car. When your credit card is Citibank and your car rental is Hertz, you'll enjoy great savings in the U.S. and around the world. Call 1-800-654-2200 and mention your Citibank Hertz CDP number 160005.

Account Summary

	Previous Balance	+ Purchases & Advances	- Payments	- Credits	+ Finance Charges	+ Late Charges	= Balance
Purchases	2147962	110515	50000		32738		2241215
Advances							
Total	2147962	110515	50000		32738		2241215

Amount Due

Pur Min Due	46600
Adv Min Due	
Amount OCL	41215
Fees	
Past Due	
Min Amt Due	87815

Rate Summary	PURCHASES	ADVANCES
Number of days this Billing Period 30		
Balance subject to Finance Charge	22569.92	
Periodic Rate	.04835%	.05476%
Nominal Annual Percentage Rate	17.650%	19.990%
Annual Percentage Rate	17.650%	19.990%

HP Exhibit 170

American Judicature
Society

ACCOUNT NUMBER	
	0877
PAYMENT DUE DATE	NEW BALANCE TOTAL
01/20/00	$24,953.65
TOTAL MINIMUM PAYMENT DUE	AMOUNT ENCLOSED
PAYMENT HOLIDAY	

Make check payable to:
MBNA AMERICA 18
P.O. BOX 15019
WILMINGTON, DE 19886-5019

1988654081

CARDHOLDER SINCE 1985

G T PORTEOUS JR
SECTION T
500 CAMP ST
NEW ORLEANS LA 70130-331399

'0877
-0877

ACCOUNT NUMBER	CREDIT LINE	CASH OR CREDIT AVAILABLE	DAYS IN CYCLE	CLOSING DATE	TOTAL MINIMUM PAYMENT DUE	PAYMENT DUE DATE
0877	$25,700	$746.35	29	12-18-99	$499.00	01/20/00

POSTING DATE	TRANS DATE	REFERENCE NUMBER	CODE TYPE	CRY	TRANSACTIONS DECEMBER 1999 STATEMENT	CHARGES	CREDITS (CR)
PAYMENTS AND CREDITS							
1214		34857384896	MC		PAYMENT - THANK YOU		700.00 CR
PURCHASES AND ADJUSTMENTS							
1213	1210	80425629346132344022289	MC	C	GCA HARRAH S NEW ORLEA 800-644-0439 LA	531.99	
1213	1210	80425629346132344022289	MC	C	CASH EQUIVALENT TRANSACTION FEE	10.63	
					TOTAL FOR BILLING CYCLE FROM 11/20/1999 THROUGH 12/18/1999	$542.62	$700.00 CR

IMPORTANT NEWS

CONGRATULATIONS - YOU HAVE QUALIFIED FOR A PAYMENT HOLIDAY. IF YOU SKIP THIS PAYMENT, THERE IS NO NEED TO NOTIFY US. FINANCE CHARGES WILL APPLY.

HOW TO USE THE THREE ENCLOSED CHECKS? HOLIDAY SHOPPING, A WINTER VACATION, HOME RENOVATIONS, BILL CONSOLIDATIONS... THE LIST IS ENDLESS!

WWW.MBNAOFFERS.COM - YOUR ON-LINE SOURCE FOR PLACES TO SHOP AND SAVE.

SUMMARY OF TRANSACTIONS

Previous Balance	-Payments and Credits	+ Cash Advances	+ Purchases &Adjustments	+Periodic Rate FINANCE CHARGES	+Transaction Fee FINANCE CHARGES	=New Balance Total
$24,714.91	$700.00	$0.00	$531.99	$396.12	$10.63	$24,953.65

TOTAL MINIMUM PAYMENT DUE

Past Due Amount	$0.00
Current Payment	$499.00
Min Payment Due (Opt)	$499.00

FINANCE CHARGE SCHEDULE

Category	Periodic Rate	Corresponding Annual Percentage Rate	Balance Subject to Finance Charges
A. BALANCE TRANSFER, CHECKS	.018904% DLY	06.90%	$0.00
B. ATM, BANK.	.054739% DLY	19.98%	$0.00
C. PURCHASES	.054739% DLY	19.98%	$6,397.38
D. OTHER BALANCES.	.054739% DLY	19.98%	$18,555.76

FOR THIS BILLING PERIOD
ANNUAL PERCENTAGE RATE . . . 19.98%
(Includes Periodic Rate And Transaction Fee Finance Charges)

THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.

FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY

- For our automated Direct Connect service, call 1-800-789-6685
- To speak to one of our Customer Satisfaction representatives, call 1-800-789-6701
- For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-346-3178
- Billing rights are preserved only by written inquiry. Mail billing inquiries and all other account inquiries to:
MBNA AMERICA P.O. BOX 15026
WILMINGTON, DE 19850-5026

American Judges
Association

ACCOUNT NUMBER	
	1290
PAYMENT DUE DATE	NEW BALANCE TOTAL
01/04/00	$25,755.84
TOTAL MINIMUM PAYMENT DUE	AMOUNT ENCLOSED
$515.00	

Make check payable to:
MBNA AMERICA 06
P.O. BOX 15019
WILMINGTON, DE 19886-5019

1988654081

CARDHOLDER SINCE 1992

G T PORTEOUS JR
US DISTRICT COURT
500 CAMP ST # SECTION
NEW ORLEANS LA 70130

1290
.J1290

ACCOUNT NUMBER	CREDIT LINE	CASH OR CREDIT AVAILABLE	DAYS IN CYCLE	CLOSING DATE	TOTAL MINIMUM PAYMENT DUE	PAYMENT DUE DATE
1290	$26,700	$944.16	30	12-04-99	$515.00	01/04/00

POSTING DATE	TRANS DATE	REFERENCE NUMBER	CARD TYPE	CAT	TRANSACTIONS — DECEMBER 1999 STATEMENT	CHARGES	CREDITS (CR)
PAYMENTS AND CREDITS							
1126		33052139087	MC		PAYMENT - THANK YOU		500.00 CR
PURCHASES AND ADJUSTMENTS							
1110	1109	80450799313132313022581	MC	C	GCA TREASURE CHEST 800-644-0439 LA	1,052.99	
1110	1109	80450799313132313022581	MC	C	CASH EQUIVALENT TRANSACTION FEE	21.05	
					TOTAL FOR BILLING CYCLE FROM 11/05/1999 THROUGH 12/04/1999	$1,074.04	$500.00 CR

IMPORTANT NEWS

HOW TO USE THE THREE ENCLOSED CHECKS? HOLIDAY SHOPPING, A WINTER VACATION, HOME RENOVATIONS, BILL CONSOLIDATIONS... THE LIST IS ENDLESS!

WWW.MBNAOFFERS.COM - YOUR ON-LINE SOURCE FOR PLACES TO SHOP AND SAVE.

GET THE CASH YOU NEED DURING THE HOLIDAYS! TO ACCESS YOUR CREDIT LINE, PRESENT YOUR CARD AT ANY FINANCIAL INSTITUTION DISPLAYING THE MASTERCARD OR VISA LOGO.

SUMMARY OF TRANSACTIONS

Previous Balance	-Payments and Credits	+ Cash Advances	+ Purchases &Adjustments	+Periodic Rate FINANCE CHARGES	+Transaction Fee FINANCE CHARGES	=New Balance Total
$24,759.04	$500.00	$0.00	$1,052.99	$422.76	$21.05	$25,755.84

TOTAL MINIMUM PAYMENT DUE

Past Due Amount	$0.00
Current Payment	$515.00
Total Min Payment Due	$515.00

FINANCE CHARGE SCHEDULE

Category	Periodic Rate		Corresponding Annual Percentage Rate	Balance Subject to Finance Charges
A. BALANCE TRANSFER, CHECKS	.010684%	DLY	03.90%	$0.00
B. ATM, BANK.	.054739%	DLY	19.98%	$0.00
C. PURCHASES	.054739%	DLY	19.98%	$25,743.42
D. OTHER BALANCES.	.000000%	DLY	00.00%	$0.00

FOR THIS BILLING PERIOD
ANNUAL PERCENTAGE RATE ... 20.69%
(Includes Periodic Rate And Transaction Fee Finance Charges)

FOR YOUR SATISFACTION, EVERY HOUR, EVERY DAY

- For our automated Direct Connect service, call 1-800-626-2556
- To speak to one of our Customer Satisfaction representatives, call 1-800-421-2110
- For TDD (Telecommunications Device for the Deaf) assistance, call 1-800-346-3178
- Billing rights are preserved only by written inquiry. Mail billing inquiries and all other account inquiries to:
  MBNA AMERICA P.O. BOX 15026
  WILMINGTON, DE 19850-5026

THIS DOCUMENT IS A COPY OF YOUR STATEMENT. IT IS FOR YOUR RECORDS ONLY AND IS NOT AN OFFICIAL BANK DOCUMENT. THIS COPY IS NOT AN EXACT DUPLICATE AND MAY NOT INCLUDE MESSAGES WHICH APPEAR IN THE IMPORTANT NEWS BLOCK ON YOUR ORIGINAL PERIODIC STATEMENT.

01/17/00 $20051.95 $468.95 SITE:SD-CI TM:LG-8200 ACID:SDSC076
PAY DUE DATE NEW BALANCE MIN AMT DUE

NV 00 A1 1 1293 VA 0000 VI 4 06/29/02 22:04:50

CITIBANK AADVANTAGE
P.O. BOX 6415
THE LAKES, NV
USA 88901-6415

CARMELLA PORTEOUS
4801 MEYREY DR
METAIRIE LA
70002

For Customer Service call or write

1-800-950-5114
BOX 6000
THE LAKES, NV
89163-6000

For billing inquiries write to this address; opting will not preserve your rights.

Citibank AAdvantage

Account Number
9138

PAYMENT DUE DATE 01/17/00

Statement Date	Total Credit Line	Cash Advance Limit	New Balance	Available Credit Line	Available Cash Line
12/21/99	$20000	$12000	$20051.95	$0	$0

Sale Dt	Post Dt	Reference #	Activity Since Last Statement	Amount	T/C	Bin # or Mer #	RA	Sic
	1209	13415370	PAYMENT THANK YOU	70000-	70 0000	0	0	
	1221		MEMBERSHIP FEE DEC 99-NOV 00					
			SEE OTHER SIDE FOR RENEWAL INFORMATION	50 00	74 0000	0		70000000000
1217	1217	R0T*D7JJ	LIMITED TOO 00000927 METAIRIE LA	58 45	61Q5641US	AE 0		24399009352
1217	1217	B6BKP260	AFTERTHOUGHTS #7797 KENNER LA	52 20	61Q5699US	AE 0		24610439353
	1221		ADVANCES*FINANCE CHARGE*PERIODIC RATE	47 87	94 0000	0		70000000000

*** AADVANTAGE MILES UPDATE ***

Miles Accumulated This Billing Period: 111
Miles Reported To American Airlines: 111

HAPPY HOLIDAYS FROM ALL OF US AT CITIBANK!
We'd like to take a moment to thank you for being a Citibank cardmember and let you know that we appreciate your business. Warmest wishes for the upcoming year.

You need a credit card when renting a car. When your credit card is Citibank and your car rental is Hertz, you'll enjoy great savings in the U.S. and around the world. Call 1-800-654-2200 and mention your Citibank Hertz CDP number 160005.

Now you can access your Citibank AAdvantage account anytime when you sign up for Account Online. Plus, register by 1/31/00 and earn 1,000 AAdvantage miles! Just go to www.registermyaccount.com/special and enter Priority Code: DCBSAA.

Account Summary

	Previous Balance	+ Purchases & Advances	- Payments	- Credit	+ Finance Charges	+ Late Charges	= Balance
Purchases	17404 89	160 65	303 74		269 69		17531 49
Advances	2868 85		396 26		47 87		2520 46
Total	20273 74	160 65	700 00		317 56		20051 95

Amount Due

Pur Min Due	319 41
Adv Min Due	97 59
Amount OCL	51 95
Fees	
Past Due	
Min Amt Due	468 95

Rate Summary	PURCHASES	ADVANCES
Number of days this Billing Period 32		
Balance subject to Finance Charge	17431.07	2731.82
Periodic Rate	.04835%	.05476%
Nominal Annual Percentage Rate	17.650%	19.990%
Annual Percentage Rate	17.650%	19.990%

MKD 1289 SYS 20 12/29/99 $308 9512 2000 0642 01 SYS 0000 0000 0000 0000 0000 0000 0000 0000 0000 0000
XRAT 991229 Page 1 of 4
MKD 6 7 20 3
5524 0006 1289 0500 01AD5524 28328

Account Statement	Page 1 of 4
Statement Date	12/29/99
Account number	0642
New balance	$15,467.29
Past due amount	$0.00
Minimum payment due	**$310.00**
Payment due date	**01/21/00**

Account Summary	
Previous balance	$15,430.03
Payments and credits	$310.00
Purchases and advances	$163.11
FINANCE CHARGE	$184.15
Debit adjustments	$0.00
New balance	$15,467.29

Credit Limit	$16,000
Available Credit	$532
Days in billing period	30

For customer service or to report a lost or stolen card, call toll-free: 800-772-2221
Send payments to: PO BOX 6214
CAROL STREAM, IL 60197-6214

PLATINUM MASTERCARD® FOR ABA MEMBERS

Transactions

Trans	Post	Reference Number	Description	Amount
12/18	12/18	8044472B15KJ6S4AM	CIRCUIT CITY SS #3507 KENNER LA	163.11
12/28	12/28	8530890BA37QJSDSK	PAYMENT - THANK YOU	310.00-
		"FINANCE CHARGE"	PURCHASES $75.08 CASH ADVANCE $109.07	184.15

An amount followed by a minus (-) is a credit or credit balance.

Finance Charge Information

	Average Daily Balance	Daily Periodic Rate	Nominal APR	Annual Percentage Rate (APR)	Transaction Fees	Finance Charge
Purchases	6,345.47	0.03944%	14.40%	14.40%	0.00	75.08
Cash	9,217.82	0.03944%	14.40%	14.40%	0.00	109.07

Travelers News

ENJOY A LOW 4.9% FIXED APR BY USING THE ATTACHED CHECKS. THIS LOW 4.9% APR IS GOOD THROUGH THE FIRST BILLING DAY OF YOUR CYCLE THAT INCLUDES APRIL 1, 2000. USE THESE CHECKS TO TRANSFER HIGHER RATE BALANCES, PAY FOR ALL YOUR HOLIDAY SHOPPPING OR SPRUCE UP YOUR HOUSE FOR THE HOLIDAYS! USE THE ATTACHED CHECKS TODAY AND SAVE WITH A LOW 4.9% APR!

Please detach bottom portion and return with your payment in the enclosed envelope.

TravelersBank
A Member of TravelersGroup
P.O. Box 15109
Wilmington, DE 19850-5109

Account number	0642
New balance	$15,467.29
Minimum payment due	**$310.00**
Payment due date	**01/21/00**

Make changes to address and phone number below:

Address
City State Zip
Home phone
Business phone

Amount enclosed: $

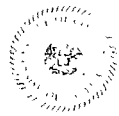
Make check or money order payable to: Travelers Bank
To ensure proper credit, please return this portion with your payment at least 5 business days prior to the due date.
Please write your account number on the check.

TRAVELERS BANK USA
PO BOX 6214
CAROL STREAM, IL 60197-6214

GABRIEL T PORTEOUS JR
US DISTRICT COURT
500 CAMP ST,SECTION T
NEW ORLEANS LA 70130-3313

28328

5308951222000064200310001546729003100020



JON A. GEGENHEIMER
Clerk Of Court
Parish of Jefferson
Louisiana

July 22, 2010

Special Agent Wayne Horner
Federal Bureau of Investigation
New Orleans Office
2901 Leon C. Simon Dr
New Orleans LA 70126

Re Curator fees

Dear Agent Horner

Pursuant to your request, I have compiled from official court records the following list of curator fee amounts established periodically by the Judges of the 24th Judicial District Court *En Banc*. The curator fee amounts from 1983 to present are provided below.

1983 - $150 00	1997 - $200 00
1984 - $150 00	1998 - $200 00-$325.00
1985 - $150 00	1999 - $325.00-$375.00
1986 - $150 00	2000 - $375.00
1987 - $150.00	2001 - $375.00
1988 - $150.00-$200 00	2002 - $375.00
1989 - $200.00	2003 - $375.00
1990 - $200.00	2004 - $375.00
1991 - $200.00	2005 - $375 00
1992 - $200.00	2006 - $375 00
1993 - $200.00	2007 - $375 00
1994 - $200.00	2008 - $375 00-$475 00 ($475 00 effective on 4/01/08)
1995 - $200 00	2009 - $475 00
1996 - $200 00	2010 - $475 00

Sincerely,

JON A. GEGENHEIMER

JAG/fjb

PO Box 10
Gretna, LA 70054
(504) 364-2900
Fax (504) 362-6355
E-mail jgegenheimer@jpclerkofcourt.us

HP Exhibit 188

36-36-52

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

MARY ADELE ARSENEAUX, WIFE OF AND SALVATORE A. CARUSO

Plaintiff

VS.

JOHN ROBERT JOHNSON

Defendant

LAZARD LEVY

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. MAY 26, 1988 gf

HP Exhibit 0189 (1)

3 6 3 6 5 2

2775

6 2 7 9 0 2 3 9 8

MARY ADELE ARSENEAUX, WIFE OF/AND SALVATORE A. CARUSO

VERSUS

JOHN ROBERT JOHNSON

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER: 363-652

DIVISION: "A"

FILED: _____ DEPUTY CLERK

MOTION FOR APPOINTMENT OF ATTORNEY TO REPRESENT ABSENT DEFENDANT

NOW INTO COURT, through their undersigned counsel, comes MARY ADELE ARSENEAUX, WIFE OF/AND SALVATORE A. CARUSO, Plaintiffs in the above entitled and numbered proceedings and respectfully represents:

I.

The citation issued in these proceedings on the 3rd day of June, 1988, has been returned by the sheriff on the 1st day of July, 1988, marked "not at this address".

II.

Plaintiffs allege that the whereabouts of the defendant, JOHN ROBERT JOHNSON, are unknown by them; that defendant's last known address was 716 Michael Street, Marrero, Louisiana; that defendant has no agent or other legal representative in the parish; and that it is therefore necessary that the court appoint an attorney at law to represent him and upon whom service of process may be made.

WHEREFORE, Plaintiffs pray that an attorney at law be appointed to represent the absent defendant; that he be served with a copy of the Petition for Executory Process on Mortgage Note filed in these proceedings; and that after due proceedings be had there be judgment in favor of petitioners and against defendant, JOHN ROBERT JOHNSON, as originally prayed for herein.

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

LAZARD LEVY
Attorney for Plaintiffs
7577 Westbank Expressway
Marrero, LA 70072
(504) 341-8551
Bar Number: 8763

CODED

Lazard Levy
ATTORNEY AT LAW
7577 WESTBANK EXPRESSWAY
MARRERO, LOUISIANA 70072
341-8551

PLEASE SERVE:

JOHN ROBERT JOHNSON
through his duly appointed Curator

ISSUED not of appt

DATE JUN 26 1990

Deputy Clerk

62790 289

MARY ADELE ARSENEAUX, WIFE OF/AND SALVATORE A. CARUSO

VERSUS

JOHN ROBERT JOHNSON

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER: 363-652

DIVISION: "A"

FILED: JUN 18 1990

DEPUTY CLERK

CODED

ORDER

Considering the foregoing motion,

IT IS ORDERED that Robert Creely, be appointed as attorney at law to represent the absent defendant in these proceedings and that he be served with citation and copy of the petition herein.

Gretna, Louisiana, this 18th day of June, 1990.

JUDGE

JUN 20 1990

ON MINUTES

CODED

JUN 15 1990

I, HEREBY CERTIFY THAT ALL COSTS INCURRED IN THIS MATTER HAVE BEEN PAID.

Deputy Clerk

200.00 awater

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Legard Levy
ATTORNEY AT LAW
7527 WESTBANK EXPRESSWAY
MARRERO, LOUISIANA 70072
341-8551

36-50-64

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

CITICORP MORTGAGE, INC.

Plaintiff

VS.

PAUL B. WOLF, ET UX

Defendant

CHARLES H. RYAN

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. JUNE 23, 1988 fg

HP Exhibit 0189 (2)

3 6 5 0 6 4

2778

CITICORP MORTGAGE, INC.	:	NUMBER 365,064 DIVISION "A"
VERSUS	:	24TH JUDICIAL DISTRICT COURT
PAUL B. WOLF and ANN PACE WOLF	:	JEFFERSON PARISH, LOUISIANA

FILED FOR RECORD '91 APR 29 PM 12 44 DEPUTY CLERK PARISH OF JEFFERSON, LA.

MOTION TO APPOINT CURATOR AD HOC

NOW INTO COURT, through undersigned counsel, comes CITICORP MORTGAGE, INC., plaintiff herein, respectfully represents that:

1.

Petitioner filed a Second Supplemental and Amended Petition For Executory Process, herein on March 26, 1991, seeking judgment against the defendants in the sum of $72,586.35, with interest thereon at the rate of 11.75% per annum from March 1, 1990, and at the legal rate of filing of their Petition, together with 10% of the unpaid balance in accrued interest as attorney's fees, and for all costs of these proceedings.

2.

Petitioner shows that the Sheriff of Jefferson Parish, Louisiana, attempted to serve a copy of petitioner's Second Supplemental and Amended Petition For Executory Process upon the defendants, to no avail.

3.

Petitioner shows that to the best of their knowledge, 512 Bellemead Boulevard, Gretna, Louisiana, was the last residential address of defendants.

4.

Petitioner shows that it is necessary that a curator ad hoc be appointed herein to accept service on behalf of the defendants.

WHEREFORE, petitioner, CITICORP MORTGAGE, INC., prays that this Honorable Court appoint a curator ad hoc herein to accept

CODED 2

ISSUED not of cont w/ not of demand

DATE MAY 06 1991

S/ MYRA LANDIX
Deputy Clerk

5 0 7 3 1 0 0 1 8 8

service on behalf of the defendants, PAUL B. WOLF and ANN PACE WOLF, in these proceedings.

FURTHER PRAYS for all further general and equitable relief.

Respectfully submitted,

BY: _____

WAYNE E. WEBB, ID NO. 14486
2533 Bert Kouns, Suite 123
Sterling Business Center
Shreveport, Louisiana 71118
Telephone: (318) 686-0481

ATTORNEY FOR PLAINTIFF

PLEASE SERVE:

THE COURT APPOINTED
CURATOR AD HOC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

5 0 7 2 1 0 0 1 4 9

CITICORP MORTGAGE, INC.	:	NUMBER 365,064 DIVISION "A"
VERSUS	:	24TH JUDICIAL DISTRICT COURT
PAUL B. WOLF and ANN PACE WOLF	: :	JEFFERSON PARISH, LOUISIANA

O R D E R

CONSIDERING THE FOREGOING MOTION:

IT IS ORDERED that Robert J. Cecchi, attorney at law, be appointed curator ad hoc herein to accept service on behalf of the defendants, PAUL B. WOLF and ANN PACE WOLF, in these proceedings.

THUS DONE AND SIGND in Chambers, at Gretna, Jefferson Parish, Louisiana, on this 1st day of ~~April~~ MAY, 1991.

CODED 2

DISTRICT JUDGE

CK MINUTES
MAY 3 1991

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

36-70-74

DIV. F
JUDGE
PATRICK J. McCABE

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VS. *Plaintiff*

~~PAMELA HOOD, WIFE OF AND WILL TOM BLANTON~~

Defendant

LOUIS G. DUTEL, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. AUGUST 3, 1988 fg

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2782

HP Exhibit 0189 (3)

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TWENTY-FOURTH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 367-074 DIVISION " F " DOCKET NO. _____

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VS.

PAMELA HOOD, WIFE OF AND
WILL TOM BLANTON

FILED: _____ _____
DEPUTY CLERK

CODED

FILED FOR RECORD
7 10 14 AM '88

MOTION

Now into court through its undersigned counsel comes Federal National Mortgage Association, a corporation created and organized under the laws of the United States of America, plaintiff in the above entitled and numbered proceedings and respectfully represents:

I.

That the Writ of Seizure and a copy of the plaintiff's petition have been returned by the Sheriff not served, marked "house vacant".

II.

Plaintiff is informed and believes, and alleges that Pamela Hood, wife of and Will Tom Blanton, the defendants in this suit, are in absentee and cannot be found and served after a diligent effort; and that it is therefore necessary that the court appoint an attorney at law to represent them and upon whom service of process may be made, and against whom these proceedings may be carried on.

WHEREFORE, plaintiff prays that an attorney at law be appointed to represent the absent defendants; that he, the said appointee, be served with a copy of the petition herein and duly cited to appear and answer hereto and that these proceedings be carried on in accordance with plaintiff's prayer in the original petition.

CODED

Louis G. Dutel Jr.
LOUIS G. DUTEL, JR.
2435 Banks Street
New Orleans, Louisiana 70119
(504) 822-1700

Motion w/ Ret
Appt, Orig Ret

NOV 1 5 1988
/s/ Edna Golsby

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

FILED
NOV 7 1988
DEPUTY CLERK

ORDER

Considering the foregoing motion, it is ordered that Robert G. Creely be appointed by this court as attorney at law to represent the defendants, Pamela Hood, wife of and Will Tom Blanton, in these proceedings and that he be served with the process of this court including a copy of the petition herein.

Gretna, Louisiana, this 7th day of November, 1988.

JUDGE

CODED

901 Derbigny St
Gretna, La 70053

ON MINUTES
NOV 16 1988

367-074

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

36-73-21

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

STANDARD MORTGAGE CORPORATION

VS.

Plaintiff

PRESCILLA ALONTE, WIFE OF/AND FRANCISCO JAVIER YBARRA AND DENISE TOURNAY,

WIFE OF/AND ROBERT EMIL PFEIFFER

Defendant

JAMES C. ARCENEAUX, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. AUGUST 8, 1988 fg

HP Exhibit 0189 (5)

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(1 2 9 4 8 0 2 7 6)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 367-321 DIVISION "A"

STANDARD MORTGAGE CORPORATION

VS.

PRESCILLA ALONTE, WIFE OF/AND FRANCISCO JAVIER YBARRA AND DENISE TOURNAY, WIFE OF/AND ROBERT EMIL PFEIFFER

FILED: _____ _____ DEPUTY CLERK

FILED FOR RECORD OCT 25 3 03 PM '88 DY. CLERK OF COURT PARISH OF JEFFERSON LA.

CODED 4

SUPPLEMENTAL AND AMENDED PETITION TO APPOINT A CURATOR-AD-HOC

I.

Petitioner realleges and reaffirms all allegations contained in Paragraphs I through VIII of the original petition filed in these proceedings on August 8, 1988.

II.

Petitioner was informed and did believe that the defendant, Francisco Javier Ybarra, was living and residing at 3701 Woodbriar Drive, Harvey, Louisiana 70058 and that acting on that information and belief, the petitioner requested that the said Francisco Javier Ybarra be served at that address.

III.

The records of the Sheriff's Department of the Parish of Jefferson reflect that the property at the above mentioned address is vacant and the current whereabouts of the defendant are unknown. Accordingly, it will be necessary for this Court to appoint a curator-ad-hoc to represent the defendant in these proceedings.

WHEREFORE, petitioner prays that the Court appoint a curator-ad-hoc to represent the absent Francisco Javier Ybarra, that he be served with a copy of the notice of appointment, the notice of seizure together with a copy of original petition filed herein.

ISSUED Not of appt w/Not of Demand w/orig Pet

NOV 29 1988

/s/ M. [illegible] A. Duay

Deputy Clerk

CODED-14

OCT 25 1988

GRAHAM & ARCENEAUX

BY: James C. Arceneaux

JAMES C. ARCENEAUX, III
1210 First NBC Building
New Orleans, La. 70112
Phone: (504) 522-8256

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK 24TH JUDICIAL DISTRICT COURT PARISH OF JEFFERSON, LA.

36-79-01

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

VICTOR FEDERAL SAVINGS & LOAN ASSOCIATION

Plaintiff

VS.

JOSEPH W. BUSHELL, JR.

Defendant

ROBERT A. THRALL

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. AUGUST 17, 1988 fg

HP Exhibit 0189 (6)

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FILED FOR RECORD
APR 27 1 33 PM '89
BY CLERK OF COURT
PARISH OF JEFFERSON, LA

VICTOR FEDERAL SAVINGS & LOAN ASSOCIATION	:	NUMBER 367-901, Division
VERSUS	:	24TH JUDICIAL DISTRICT C
JOSEPH W. BUSHELL, JR.	:	JEFFERSON PARISH, LOUISIANA

Judge B. Thomas Porteous, Jr.

CODED 2

AMENDING AND SUPPLEMENTAL PETITION

The Amending and Supplemental Petition of VICTOR FEDERAL SAVINGS & LOAN ASSOCIATION, Petitioner in the above entitled and numbered cause, respectfully represents that Petitioner desires to supplement and amend its original Petition filed herein on August 17, 1988, as follows:

By supplementing and amending Paragraph 1 of the original Petition to read as follows:

1.

On August 17, 1988, when the original Petition was filed herein, Petitioner believed that the Defendant was a resident and domiciliary of Marrero, Jefferson Parish, Louisiana, who could be served at 2785 Erin Drive, Marrero, Louisiana.

Since the original Petition was filed herein, the Sheriff of Jefferson Parish, Louisiana, has been unable to serve the Defendant after due and diligent search at said address. Petitioner retained the services of Southern Research Company, Inc. (hereinafter "Southern Research"), Shreveport, Louisiana, a private investigative firm, in order to ascertain the whereabouts of the Defendant. Based on the investigation of Southern Research, the Defendant is believed to be a resident of Pennsylvania with a mailing address of VR-52, Naval Air Station, Willow Grove, Pennsylvania 19090-5010.

Based on the foregoing, the Defendant is an absentee and Petitioner desires and is entitled to the appointment of an attorney at law to represent the Defendant herein.

WHEREFORE, Petitioner reiterating the prayer of its original Petition as though set forth at length herein, prays that its original Petition be

ISSUED Not. of Apt. w/orig. & amended Pet. 367901
DATE MAY 16 1989
CODED-14
Dora Romano
Deputy Clerk

MAY 08 1989

supplemented and amended in the above particulars and that after due proceedings be had, Petitioner be granted the relief as originally prayed for herein; and

PETITIONER FURTHER PRAYS that an attorney at law be appointed to represent the Defendant, Joseph W. Bushell,Jr.

EVANS, FEIST & MILLS
(A Professional Law Corporation)
By: Robert A. Thrall
Robert A. Thrall

331 Milam
300 Law Center
Post Office Box 1784
Shreveport, Louisiana 71166

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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VICTOR FEDERAL SAVINGS & LOAN ASSOCIATION	:	NUMBER 367-901, DIVISION A
VERSUS	:	24TH JUDICIAL DISTRICT COURT
JOSEPH W. BUSHELL, JR.	:	JEFFERSON PARISH, LOUISIANA

FILED
APR 27 1989
DEPUTY CLERK

CODED-14

VERIFICATION

STATE OF LOUISIANA

PARISH OF CADDO

BEFORE ME, the undersigned authority, personally appeared ROBERT A. THRALL, who after being duly sworn, stated that he is the attorney for the Petitioner in the above numbered and entitled cause, that he has read the foregoing Supplemental and Amending Petition and all of the allegations contained therein are true and correct to the best of his knowledge.

That the above stated facts are known by Affiant by his own personal knowledge and that he is competent to testify thereto.

Robert A. Thrall
Robert A. Thrall

SWORN TO AND SUBSCRIBED before me, this 10th day of April, 1989.

Sheila H. Wilson
- Notary Public

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK OF
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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VICTOR FEDERAL SAVINGS & LOAN ASSOCIATION	:	NUMBER 367-901, DIVISION A
VERSUS	:	24TH JUDICIAL DISTRICT COURT
JOSEPH W. BUSHELL, JR.	:	JEFFERSON PARISH, LOUISIANA

FILED
MAY 3 1989
Elaine Collins
DEPUTY CLERK

O R D E R

Considering the foregoing verified Amending and Supplemental Petition:

IT IS ORDERED that Robert McCoy attorney at law, be appointed to represent the absentee Defendant herein, Joseph W. Bushell, Jr.

Gretna, Jefferson Parish, Louisiana, this 3rd day of May 1989.

District Judge

CODED-14

MAY 8 1989

Please serve the attorney at law appointed to represent the absentee Defendant.

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

36-88-19

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOC

GLENN L. RAY VS. *Plaintiff*

Defendant

ALBERT F. WIDMER, JR

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. SEPTEMBER 6. 1988

HP Exhibit 0189 (8)

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2792

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 368-819 DIVISION "A"

FEDERAL NATIONAL MORTGAGE ASSOCIATION

versus

GLENN L. RAY

FILED _____ _____ DEPUTY CLERK

CODED

SUPPLEMENTAL PETITION

NOW INTO COURT, through undersigned counsel, comes Federal National Mortgage Association, petitioner herein, and amends its original petition as follows:

1.

The Sheriff of Jefferson Parish, Louisiana, after a diligent search, has been unable to locate the defendant herein, GLENN L. RAY, as will be evidenced from the Sheriff's return in these proceedings.

2.

Petitioner believes and therefore alleges that the defendant, GLENN L. RAY, is an absentee from the State of Louisiana, and that an attorney ad hoc should be appointed to represent him in these proceedings against whom all further proceedings herein should be carried on.

3.

WHEREFORE, Petitoner prays that an attorney ad hoc be appointed to represent the defendant, GLENN L. RAY, herein; that the said defendant be served with the three-day notice to pay, a copy of this petition and the notice of seizure through said attorney ad hoc, and that all further proceedings be carried on contradictorily against said attorney ad hoc.

Respectfully submitted,

ALBERT F. WIDMER, JR.
3201 Danny Park, Suite 107
Metairie, La. 70002
(504)885-6657
Attorney for Petitioner,
Federal National Mortgage Association

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

CODED 4

OCT 14 1988

768819

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STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally cam and appeared, ALBERT F. WIDMER, JR., who being by me first duly sworn, did depose and say that:

He is the attorney for the petitioner in the above petition; he has read the same; all of the allegations contained therein are true and correct, to the best of his information, knowledge and belief.

ALBERT F. WIDMER, JR.

Sworn to and subscribed before me this 10 day of October, 1988

NOTARY PUBLIC

ORDER

Let Robert Greeley, attorney at law, be and he is hereby appointed as attorney ad hoc to represent the defendant, GLENN L. RAY, and let all further proceedings herein be carried on contradictorily against the said attorney ad hoc and his fee and expenses be taxed as costs.

READ, RENDERED AND SIGNED at Gretna, Louisiana, this 11, day of October, 1988.

J U D G E

CODED

ON MINUTES OCT 12 1988

LAST KNOWN ADDRESS OF DEFENDANT:

GLENN L. RAY
2917 Woodrich #A
Tallahassee, Florida 32301-3631

PROPERTY ADDRESS:

6220 Ackel Street, Unit 476
Metaire, LA 70003

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

768819

36-92-69

DIV. A
JUDGE
A. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

UNITED FEDERAL SAVINGS AND LOAN ASSOCIATION

Plaintiff

VS.

ORADEAN MUSE, WIFE OF/AND VAN CASTON, JR.

Defendant

CAROL A. NEWMAN

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. SEPT. 14, 1988

HP Exhibit 0189 (10)

2795

TWENTY FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 369-269 DIVISION "A" DOCKET NO.:

UNITED FEDERAL SAVINGS & LOAN ASSOCIATION

VERSUS

ORADEAN MUSE, wife of/and VAN CASTON, JR.

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT CURATOR AD HOC

On motion of the plaintiff herein, by virtue of undersigned counsel, has exercised due diligence to serve the defendants, Oradean Muse, wife of/and Van Caston, Jr., without success and should be deemed absentee defendants.

Respectfully submitted,

FILED
OCT 14 1988
DEPUTY CLERK

CAROL A. NEWMAN
Attorney for Plaintiff
1925 St. Bernard Avenue
New Orleans, Louisiana 70116
(504) 948-3660
Bar Roll #14266

ORDER APPOINTING CURATOR AD HOC

Considering the allegations of the Petition for Executory Process filed in this proceeding, the exhibits attached thereto and the Motion herein; Robert H. Creely, Esq. an attorney-at-law, is appointed to represent the absentee defendants in this proceeding; and it is ordered that a curator ad hoc be served herein forthwith, as prayed for and according to law.

New Orleans, Louisiana, this 14th day of October, 1988.

CODED 4 OCT 18 1988

JUDGE

ISSUED Not. of Appt v Not. of Reg. w/Not. v Orig. Pet

DATE OCT 19 1988

S/J. Salading
Deputy Clerk

CODED 4

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

OCT 18 1988

369-269

36-99-56

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON
STATE OF LOUISIANA

FOSTER MORTGAGE CORPORATION

VS. *Plaintiff*

VIVIAN ALEXANDER

Defendant

MICHAEL M. DORSEY
Attorney for Plaintiff

Attorney for Defendant

Date of Filing. SEPTEMBER 28, 1988 fg

HP Exhibit 0189 (11)

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88-0537

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 369,956 DIVISION "A"

FOSTER MORTGAGE CORPORATION

VERSUS

VIVIAN ALEXANDER

FILED: _____ _____ DEPUTY CLERK

FILED FOR RECORD OCT 26 10 52 AM '88 BY CLERK OF COURT PARISH OF JEFFERSON LA

CODED 4

MOTION TO APPOINT ATTORNEY AT LAW TO DEFEND SUIT

On motion of Foster Mortgage Corporation, through Michael M. Dorsey, its attorney of record, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Vivian Alexander, is unknown as appears from the Sheriff's return of the citation of file in these proceeding specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law to represent the defendant(s) Vivian Alexander to defend this suit.

CODED

ISSUED Not. of Appt. w/Not. & Orig. Pet

DATE NOV - 4 1988

S/J. Saladino

Deputy Clerk

369956

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FILED
OCT 28 1988
Haladino
DEPUTY CLERK

IT IS ORDERED BY THE COURT, that Robert G. Creely attorney at law be and he is hereby appointed to represent defendant(s), Vivian Alexander in these proceedings and defend this suit, and that the writ of seizure and sale be issued herein and served upon said attorney at law.

Gretna, Louisiana, this 28th day of October, 1988

ON MINUTES CODED
NOV 2 1988
JUDGE

Respectfully submitted,

Michael M. Dorsey
Louisiana Bar Roll Number _____
Attorney for Plaintiff
601 Papworth Avenue - Suite 200
Metairie, LA 70005

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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STATE OF LOUISIANA

PARISH OF JEFFERSON

CODED 4

FILED
OCT 1988
DEPUTY CLERK

BEFORE ME, the undersigned authority, personally came and appeared:

DOROTHY SHERWOOD

who, after being first duly sworn by me, Notary Public, did depose and state the she is the Collections Agent of Foster Mortgage Corporation, the plaintiff in the above and foregoing matter, that she has read said motion to appoint an attorney to represent absent defendant(s) and that all of the allegations set forth therein are true and correct.

Dorothy Sherwood
DOROTHY SHERWOOD

SWORN TO AND SUBSCRIBED
BEFORE ME, NOTARY, THIS
25th DAY OF OCTOBER, 1988

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

37-00-35

DIV. A
JUDGE
L. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

HIBERNIA NATIONAL BANK, FORMERLY HIBERNIA NATIONAL BANK IN NEW ORLEANS,

AS TRUSTEE TO THE PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY

Plaintiff

VS.

KATHLEEN WALSH JEFFREY AND WILLIAM F. JEFFREY, JR.

Defendant

PETER S. THRIFFILEY

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. SEPTEMBER 29, 1988 fg

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HP Exhibit 0189 (12)

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 370-035 DIVISION A

HIBERNIA NATIONAL BANK, formerly
HIBERNIA NATIONAL BANK in New Orleans, as Trustee to the
PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY

VERSUS

KATHLEEN WALSH JEFFREY AND WILLIAM F. JEFFREY, JR.

FILED:_____ _____
DEPUTY CLERK

AMENDED AND SUPPLEMENTAL PETITION
FOR EXECUTORY PROCESS

CODED 2

HIBERNIA NATIONAL BANK, formerly HIBERNIA NATIONAL BANK in New Orleans, as Trustee to the PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY, Plaintiff herein, desires to supplement its original petition filed herein on September 29, 1988, in the following respects:

I.

The defendants, KATHLEEN WALSH JEFFREY AND WILLIAM F. JEFFREY, JR., are subject to the jurisdiction of this court, but plaintiff is informed and believes that they have moved from their address of 1828 Timberlane Estates, Harvey, Louisiana, and they have no agent or other legal representative in the State and no fixed place of residence with a person living there competent to receive service of process, and that the Sheriff of Jefferson Parish has been unable to make service on the defendants. It is therefore necessary that the Court appoint an attorney at law to represent the defendants, KATHLEEN WALSH JEFFREY AND WILLIAM F. JEFFREY, JR., and upon whom service of process may be made on the Notice of Seizure and Notice to Appoint an Appraiser herein. Petitioner therefore desires to add an additional paragraph to the original petition, to be numbered "XIII." to read as follows:

"XIII.

That Jefferson Parish Sheriff's office has been unable to make service of the Notice of Seizure and Notice to Appoint an Appraiser herein on the defendants, KATHLEEN WALSH JEFFREY AND WILLIAM G. JEFFREY, JR., and plaintiff is informed and believes that the defendants have moved from their address of 1828 Timberlane Estates, Harvey, Louisiana, and there is no agent or

Notice to appoint w/ cc of amend. & suppl. & petition, 370035

CODED 2

1988

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other legal representative in the State and no fixed place of residence with a person living there competent to receive service of process. It is therefore necessary that the Court appoint an attorney at law to represent the defendants upon whom service of process may be made on the Notice of Seizure and Notice to Appoint an Appraiser herein."

II.

By adding an additional paragraph to the prayer of the original petition to read as follows:

"IV. Petitioner further prays that this court appoint an attorney at law to represent the interests of the defendants, KATHLEEN WALSH JEFFREY AND WILLIAM F. JEFFREY, JR., and upon whom service of process may be made of the Notice of Seizure and Notice to Appoint an Appraiser herein."

WHEREFORE, Petitioner, HIBERNIA NATIONAL BANK, formerly HIBERNIA NATIONAL BANK in New Orleans, as Trustee to the PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY reiterating the prayer, prays that its original petition be amended and supplemented in the above particulars, and a Writ of Seizure and Sale be issued as prayed for in the original petition above just stated.

FAVRET, FAVRET, DEMAREST & RUSSO
A Professional Law Corporation

PETER S. THRIFFILEY
Attorney for Plaintiff
925 Common Street, 11th Floor
New Orleans, Louisiana 70112
Telephone: 561-1006

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

1 1 2 9 8 0 0 6 5 6

VERIFICATION

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

PETER S. THRIFFILEY

who after being duly sworn did depose and say that he is the attorney for plaintiff and all of the allegations of fact contained in the above and foregoing petition, are true and correct to the best of his knowledge, information and belief.

PETER S. THRIFFILEY

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 10TH
DAY OF NOVEMBER, 1988.

NOTARY PUBLIC

FILED
NOV 1988

ORDER

Let plaintiff's original petition be amended and supplemented in the above respects and let Executory Process issue herein as prayed for, and the property described in the original petition be sold, only after appraisal in accordance with law, and let Robert G. Creely be appointed to represent the interests of the absentee defendants, KATHLEEN WALSH JEFFREY and WILLIAM F. JEFFREY, JR.

Gretna, Louisiana this 18 day of November, 1988.

JUDGE

CODED

PLEASE SERVE NOTICE OF SEIZURE
AND SALE AND NOTICE TO APPOINT AN APPRAISER ON:

Curator appointed to represent
defendants, Kathleen Walsh Jeffrey
and William F. Jeffrey, Jr.

ON MINUTES
NOV 21 1988

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

37-02-87

DIV. G
JUDGE
M. JOSEPH TIEMANN

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VS.

CALVIN G. HOWELL AND ARTHUR CHARM KIMREY, III

Plaintiff

Defendant

LOUIS G. DUTEL, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. OCT. 2, 1988

rj

HP Exhibit 0189 (13)

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CODED 4

130

DIV. G

JUDGE
M. JOSEPH TIEMANN

TWENTY-FOURTH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 370-287 DIVISION " " DOCKET

CODED 4

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VS.

CALVIN G. HOWELL
AND
ARTHUR CHARM KIMREY, III

FILED: _____ _____
DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

The petition of FEDERAL NATIONAL MORTGAGE ASSOCIATION, a corporation created and organized under the laws of the United States of America, with respect represents:

I.

On the 25th day of May, 1984, by act before Clare D. Fiasconaro, Notary Public in and for the Parish of Jefferson, Louisiana, and in the presence of two witnesses, and recorded in Mortgage Office Book 920, folio 512, Calvin G. Howell and Arthur Charm Kimrey, III, delivered unto Harris Mortgage Corporation a mortgage securing the payment of one note in the principal sum of FIFTY-FOUR THOUSAND EIGHT HUNDRED AND NO/100 ($54,800.00) DOLLARS, payable in monthly installments of SIX HUNDRED ONE AND 92/100 ($601.92) DOLLARS commencing on the first day of July, 1984, with interest from date at the rate of 12.9 percent per annum until paid, except that, if not sooner paid, the final payment shall be due and payable on June 1, 2014, which note was paraphed "Ne Varietur" for identification with the act of mortgage and is annexed hereto, together with a certified copy of the act of mortgage. The said mortgage bears against and affects the following described real estate:

84-25311

CODED 4

Filed notes mortgage in vault OCT - 6 1988

> THAT CERTAIN CONDOMINIUM PARCEL IN RIVERSIDE COURT PHASE II, a Condominium created by that certain Declaration Creating and Establishing a Condominium Regime for the Riverside Court Condominium, executed by BERKSHIRE DEVELOPMENT CORPORATION, dated February 28, 1984, filed in the Office of the Clerk of Court for the Parish of Jefferson on February 28, 1984, under Entry No. 8409078, designated as UNIT 178, together with an undivided .580 percent interest in the common elements, Phase II of said condonminium is situated on LOT 2-X, Bissonet Plaza,

OCT 0 6 1988

ISSUED Not. of Appt.

DATE OCT - 6 1988

CODED 4

S/J. Saladino
Deputy Clerk

2538

370-287

Jefferson Parish, as shown on survey by Walker & Avery, Inc., dated November 28, 1983, a copy of which is filed with the Declaration of Condominium above referred to.

II.

That by act before Catharine E. Ohlsson, Notary Public in and for the Parish of Jefferson, dated February 20, 1985, Harris Mortgage Corporation did transfer the above described note and assigned all rights in and to the said act of mortgage to petitioner herein. A duplicate original of said act of assignment is attached hereto.

III.

That by act of modification passed before Louis G. Dutel, Jr., Notary Public, on August 29, 1986, not now of public record, the terms of the promissory note and the act of mortgage described in Paragraph I above, were changed, but only to the extent that the interest rate was reduced from 12.9% to 9.9%, which change in interest rate resulted in the change of the amount of each monthly installment, all other terms and conditions of said note and mortgage to remain the same as originally written; a certified copy of the act of modification is also attached hereto.

IV.

Petitioner shows that the defendants have made no payment upon the said note, as modified, since the first day of July, 1988, and that under the acceleration provisions of said note and mortgage the entire balance of the said obligation amounting to the sum of FIFTY-TWO THOUSAND SEVEN HUNDRED TWENTY-ONE AND 29/100 ($52,271.29) DOLLARS in principal, plus late charges amounting to the sum of FIFTY-SEVEN AND 87/100 ($57.87) DOLLARS with interest from June 1, 1988, up to September 30, 1988, at the rate of 9.9 percent per annum, amounting to ONE THOUSAND SEVEN HUNDRED TWENTY-FIVE AND 30/100 ($1,725.30) DOLLARS, plus advances in the amount of NINETEEN AND 33/100 ($19.33) DOLLARS, leaving a balance due and owing on said note and mortgage of FIFTY-FOUR THOUSAND FIVE HUNDRED TWENTY-THREE AND 79/100 ($54,523.79) DOLLARS.

V.

The said act of mortgage, as modified, contains a confession of judgment and contains a mortgage in favor of petitioner, the defendants and obligors having acknowledged therein the debt herein claimed, having confessed judgment for same, and granted a special mortgage in favor of the

370-287

original mortgagee, which is now owned by petitioner, and petitioner is entitled to proceed against the defendants by executory process by causing the above described property, subject to its privilege and mortgage, to be seized and sold immediately for the payment of their debt including the principal and interest and costs as provided by law and in addition ten (10%) percent attorney's fees.

VI.

Petitioner is informed that one of the defendants, Calvin G. Howell is deceased; that no succession has been opened; and that it will be necessary that this Court appoint an attorney at law to represent said deceased defendant.

WHEREFORE, petitioner prays that an order of executory process issue herein; that an attorney at law be appointed to represent said deceased defendant, Calvin G. Howell; and that a writ of seizure and sale issue herein directing the Sheriff of this Parish to seize and sell, after notice of seizure, delays, advertisements and compliance with all requirements of law, the above described property for cash, without appraisement, to pay and satisfy the claim of petitioner amounting to the sum of FIFTY-FOUR THOUSAND FIVE HUNDRED TWENTY-THREE AND 79/100 DOLLARS ($54,523.79), with interest thereon at the rate of 9.9 percent per annum from September 30, 1988, until paid, together with late charges and 10 percent attorney's fees and that out of the proceeds of this sale petitioner be paid the amount of his claim by preference and priority over all other persons.

LOUIS G. DUTEL, JR.
Attorney at Law
2435 Banks Street
New Orleans, Louisiana 70119
(504) 822-1700

VERIFICATION

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

370-287

LOUIS G. DUTEL, JR.

who, being by me first duly sworn, did depose and say that he is the attorney for the petitioner in the foregoing petition; that he has read and signed the same and that all of the allegations of fact therein contained are true and correct to the best of his knowledge, information and belief.

Louis G. Dutel Jr.
LOUIS G. DUTEL, JR.

SWORN TO AND SUBSCRIBED before me, Notary, this 3rd day of October, 1988.

Helen C. Manale
Helen C. Manale
Notary Public

FILED
OCT 5 1988
J. Paladino
DEPUTY CLERK

CODED 4

ORDER

The premises and the documents and the affidavit therein being considered, let an order of executory process issue as prayed for, according to law, and let Robert Creely, Attorney at Law, be appointed to represent the deceased defendant, Calvin G. Howell.

Gretna, Louisiana, this 5th day of October, 1988.

CODED 4

JUDGE

Please serve:

Mr. Arthur Charm Kimrey, III
6300 Ackel Street, Unit 178
Metairie, Louisiana 70003

ON MINUTES
OCT 6 1988

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

370-287

37-03-55

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

ALABAMA FEDERAL SAVINGS AND LOAN ASSOCIATION

Plaintiff

VS.

THERESA BRAYTON, WIFE OF/AND WILTON J. TRAHAN

Defendant

MATTHEW A. WELLMAN
Attorney for Plaintiff

Attorney for Defendant

Date of Filing. OCTOBER 5, 1988 fg

HP Exhibit 0189 (14)

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DIV. A

JUDGE
G. THOMAS PORTEOUS JR.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 370-355 DIVISION "A" DOCKET NO.

ALABAMA FEDERAL SAVINGS AND LOAN ASSOCIATION

VERSUS

THERESA BRAYTON, wife of/and WILTON J. TRAHAN

FILED: _____ _____
DEPUTY CLERK

FILED FOR RECORD
JAN 31 10 57 AM '89
DY CLERK OF COURT
PARISH OF JEFFERSON

CODED 4

MOTION TO APPOINT ATTORNEY
TO REPRESENT ABSENT DEFENDANTS

On motion of plaintiff herein, Alabama Federal Savings and Loan Association, ("Alabama Federal"), through undersigned counsel, and upon suggesting to the Court that:

1. The Petition For Executory Process With Appraisal was filed herein on October 5, 1988 . The Jefferson Parish Sheriff's Office has been unable to serve the defendants, Theresa Brayton, wife of/and Wilton J. Trahan.

2. This court has jurisdiction over the persons of defendants, Theresa Brayton, wife of/and Wilton J. Trahan. These defendants are absentees who have not been served with process and who have made no general appearance.

4. Pursuant to the provisions of LSA-C.C.P.R. 5091, this Court should appoint an attorney at law to represent defendants, Theresa Brayton, wife of/and Wilton J. Trahan in this proceeding on whom process may be served, and against whom proceedings may be conducted contradictorily.

WHEREFORE, Alabama Federal Savings and Loan Association prays that this Court appoint an attorney at law to represent the absent defendants, Theresa Brayton, wife of/and Wilton J. Thomas in this proceeding.

ISSUED
DATE FEB 3 – 1989
S/ V. KENEASTER
Deputy Clerk

370 355

Respectfully submitted:

MATTHEW A. WELLMAN
A Professional Law Corporation
715 Girod Street, Suite 200
New Orleans, Louisiana 70130
Telephone: (504) 524-6022
Bar # 13355
Attorney for:
Alabama Federal Savings and Loan Association

FILED
FEB 2 1989
DEPUTY CLERK

ORDER

Considering the foregoing Motion;

Robert Creely, Attorney at Law, is hereby appointed to represent absent defendants, Theresa Brayton, wife of/and Wilton J. Trahan in this proceeding.

Gretna, Louisiana, this 2nd day of February, 1989.

JUDGE

ON MINUTES
FEB 3 1989

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

37-07-71

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

TRAYLOR & NICHOLS, INC

VS. *Plaintiff*

JUDY SHEALEY LACHNEY RICHARD L LACHNEY SUE DELL ROTH AND CRAIG J ROTH

Defendant

GEORGE B DEAN, JR

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. OCT 13, 1988

HP Exhibit 0189 (16)

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STATE OF LOUISIANA * PARISH OF JEFFERSON 24TH DISTRICT COURT

DIV. A

TROY & NICHOLS, INC.

FILED: JUDGE G. THOMAS PORTEOUS JR.

VERSUS NO:370,771

JUDY SHEALEY LACHNEY, ETAL

DEPUTY CLERK

FILED FOR RECORD DEC 19 3 56 PM BY CLERK OF COURT PARISH OF JEFFERSON LA

MOTION & ORDER TO APPOINT CURATOR

On Motion of TROY & NICHOLS, INC., and on suggesting to the court that Plaintiff has been unable to perfect service upon the defendants, RICHARD L. LACHNEY, CRAIG J. ROTH and SUE DELL ROTH despite the diligent efforts of plaintiff and the Sheriff of Jefferson Parish, Louisiana, as reflected by the Sheriff's return on the writ, and the whereabouts of said defendants being unknown and that RICHARD LACHNEY is out of town, and an attorney at law should be appointed by this Court to act as Curator ad Hoc upon whom service of legal process may be served during these proceedings,

FILED DEC 21 1988 DEPUTY CLERK

IT IS ORDERED that Robert G. Creely, attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in these proceedings.

Gretna, Louisiana, this 21 day of December 1988.

CODED DEC 22 1988

JUDGE

VERIFICATION

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE. DEPUTY CLERK 24TH JUDICIAL DISTRICT COURT PARISH OF JEFFERSON, LA.

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, a Notary Public, appeared George B. Dean, Jr., who declares that he is the attorney for plaintiff and that the allegations of the foregoing Motion & Order to Appoint Curator are true and correct to the best of his knowledge, information and belief.

George B. Dean, Jr.

SWORN TO AND SUBSCRIBED before me this 16th day of December, 1988.

Notary Public

CODED

ISSUED DEC 27 1988

DATE

Deputy Clerk

37-08-49

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

SHAWMUT FIRST MORTGAGE CORP., FORMERLY FIRST GIBRALTAR MORTGAGE CORP.

Plaintiff

VS.

CHERYL BUILOTTE CARTO, WIFE OF/AND RAYMOND JOSEPH CARTO, SR. AND RAYMOND JOSEPH CARTO, JR.

Defendant

IRA J. MIDDLEBERG

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. OCTOBER 14, 1988 fg

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HP Exhibit 0189 (17)

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SFMC 0098-0115/ LOAN 024732-0

DIV. A
JUDGE
G. THOMAS PORTEOUS JR.

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 370-849 DIVISION "A"

FILED FOR RECORD
DEC 8 3 20 PM '88
PARISH OF JEFFERSON

SHAWMUT FIRST MORTGAGE CORP.
FORMERLY FIRST GIBRALTAR MORTGAGE CORP.

-VERSUS-

CHERYL GUILOTTE CARTO, WIFE OF/AND RAYMOND JOSEPH CARTO, SR.
AND RAYMOND JOSEPH CARTO, JR.

SUPPLEMENTAL AND AMENDED
PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

The Supplemental and Amended Petition for Executory Process on Mortgage Note of Shawmut First Mortgage Corp., formerly First Gibraltar Mortgage Corp., appearing herein through undersigned counsel of record, respectfully represents that it desires to supplement and amend its original petition for executory process on mortgage note earlier filed on October 14, 1988 in the following particulars:

I.

By amending paragraph one (1) of the original petition to read as follows, to-wit:

1.

a) Defendants Cheryl Guilotte Carto and Raymond Joseph Carto, Sr. are persons of the full age of majority and whose whereabouts are unknown by your petitioner.

b) Defendant Raymond Joseph Carto, Jr. is a person of the full age of majority and whose whereabout is unknown by your petitioner.

Not of Appt.
ISSUED orig. suppl & amended pet.
DEC 15 1988
DATE
J A Kenaster
Deputy Clerk

370849

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II.

By adding a paragraph fourteen (14) to read as follows, to-wit:

14.

This Court has jurisdiction over the property against which this mortgage is sought to be enforced; but because defendants Cheryl Guilotte Carto, wife of/and Raymond Joseph Carto, Sr. and Raymond Joseph, Jr. are absentees who cannot be served personally with process, an attorney at law should be appointed by the Court to represent their interests.

III.

Petitioner reurges and reiterates each and every other allegation set forth in the original petition as if copied in extenso.

WHEREFORE, the premises annexed and documents considered, petitioner prays that an attorney at law be appointed to represent the absentee defendants herein and further that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and without appraisement, to pay and satisfy the claim of your petitioner as originally prayed for herein.

MIDDLEBERG RIDDLE & GIANNA
3131 1-10 SERVICE ROAD
SUITE 200
METAIRIE, LOUISIANA 70002
(504) 833-6336

IRA J. MIDDLEBERG
BAR NUMBER 9640

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

T 2 1 6 3 8 0 3 0 2 6

PLEASE SERVE:

CHERYL GUILOTTE CARTO, WIFE OF/AND
RAYMOND JOSEPH CARTO, SR.
THROUGH COURT APPOINTED COUNSEL

RAYMOND JOSEPH CARTO, JR.
THROUGH COURT APPOINTED COUNSEL

FILED
DEC. 12 1988
DEPUTY CLERK

O R D E R

CONSIDERING THE FORECLOSURE Supplemental and Amended Petition for Executory Process on Mortgage Note,

LET Robert G. Creely, attorney at law, be appointed to represent the absentee defendants, CHERYL GUILOTTE CARTO, WIFE OF/AND RAYMOND JOSEPH CARTO, SR. AND RAYMOND JOSEPH CARTO, JR., in this proceeding.

FURTHER, LET executory process issue herein as prayed for and according to law.

GRETNA, LOUISIANA, this 12th day of December, 1988.

J U D G E

CODEDEF

ON MINUTES
DEC 14 1988

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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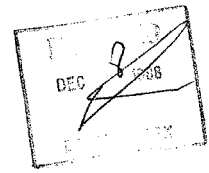

VERIFICATION

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared CRYSTAL MORRISON, a person of the full age of majority and a resident of and domiciled in the Parish of Orleans, State of Louisiana, who after being first duly sworn, did depose and state:

That she is Agent to Shawmut First Mortgage Corp., formerly First Gibraltar Mortgage Corp., petitioner in the above and foregoing supplemental and amended petition for executory process on mortgage note; that she has read same and that the allegations set forth therein are true and correct to the best of her knowledge, information and belief.

CRYSTAL MORRISON

SWORN TO AND SUBSCRIBED
BEFORE ME, THIS 7th DAY
OF DECEMBER, 1988.

NOTARY PUBLIC

CODED

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

37-23-52

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FIRST UNION MORTGAGE CORPORATION

VS. *Plaintiff*

TOMMIE WYATT, DIVORCED WIFE OF JULIUS RIVERIA BY FIRST MARRIAGE, DIVORCED WIFE OF LEONARD R. WYATT, JR. BY SECOND MARRIAGE NOW WIFE OF/AND HAYWOOD PIERRE MCCLENDON *Defendant*

ALAN J. BERTEAU
Attorney for Plaintiff

Attorney for Defendant

Date of Filing. NOVEMBER 17, 1988 fg

HP Exhibit 0189 (18)

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FIRST UNION MORTGAGE CORPORATION

VS.

TOMMIE WYATT, DIVORCED WIFE OF JULIUS RIVERIA BY FIRST MARRIAGE DIVORCED WIFE OF LEONARD R. WYATT, JR. BY SECOND MARRIAGE NOW WIFE OF/AND HAYWOOD PIERRE MCCLENDON

DOCKET NO 372,352 DIV. A

24TH JUDICIAL DIST. COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

CODED 4

SECOND SUPPLEMENTAL PETITION

NOW INTO COURT, through undersigned counsel, comes plaintiff herein, and supplements its petition as follows:

1.

The Sheriff of Jefferson Parish, Louisiana, after a diligent search, has been unable to locate the defendant Haywood Pierre McClendon and Tommie Wyatt McClendon, at 2412 E. Pearl Drive, Marrero, LA 70072, their address last known to plaintiff, as will be evidenced from the Sheriff's return in these proceedings.

2.

Plaintiff has written the United States Post Office for any forwarding addresses of Haywood Pierre McClendon and Tommie Wyatt McClendon but received a response "addressee has moved and left no forwarding address". Plaintiff has also attempted to obtain a forwarding address through directory assistance in the city of their last residence but was unable to obtain a forwarding address for defendants.

CODED 4

3.

The whereabouts of said defendants being unknown to the plaintiff, plaintiff believes and therefore alleges that the defendants Haywood Pierre McClendon and Tommie Wyatt McClendon, are absentees as defined by Louisiana Code of Civil Procedure Article 5251, and that an attorney ad hoc should be appointed to represent them in these proceedings against whom all further proceedings herein should be carried on.

WHEREFORE, plaintiff prays that an attorney ad hoc be appointed to represent the defendants Haywood Pierre McClendon and Tommie Wyatt McClendon herein; that the said defendants be

JAN 12 1989
Deputy Clerk
DATE

served with a copy of this petition and the notice of seizure through said attorney ad hoc, the three day notice having been waived in the Act of Mortgage, and that all further proceedings be carried on contradictorily against said attorney ad hoc.

By Attorneys,

WILLIAM L. DOWNING
LA BAR CODE # 14233
WILLIAM L. DOWNING & ASSOCIATES
P.O. Box 45212, Dept. 398
Baton Rouge, LA 70895
(504) 291-0055

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

372-352

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STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared WILLIAM L. DOWNING, who, being by me first duly sworn, did depose and say that:

He is the attorney for the petitioner in the above petition; he has read the same; all of the allegations contained therein are true and correct, to the best of his information, knowledge and belief.

WILLIAM L. DOWNING

Sworn to and subscribed before me this 11 day of January, 1989.

ALAN J. BERTEAU
NOTARY PUBLIC

FILED
JAN 12 1989
DEPUTY CLERK

CODED

ORDER

Let Robert Geely, attorney at law, be and he is hereby appointed as attorney ad hoc to represent the defendants Haywood Pierre McClendon and Tommie Wyatt McClendon and let all further proceedings herein insofar as the said Haywood Pierre McClendon and Tommie Wyatt McClendon are concerned be carried on contradictorily against the said attorney ad hoc and his fee and expenses be taxed as costs.

READ, RENDERED AND SIGNED at Gretna, Louisiana, this 12th day of January, 1989.

ON MINUTES
CODED JAN 17 1989

JUDGE

LAST KNOWN ADDRESS OF ABSENTEE DEFENDANTS:
2412 E. Pearl Drive
Marrero, LA 70072

Property Address:
2412 E. Pearl Drive
Marrero, LA 70072

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

372-352

37-28-81

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FIRST NATIONAL BANK OF COMMERCE

VS.

Plaintiff

DARRYL WAYNE EVERY

Defendant

ROBERT T. WAKEFIELD

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. NOVEMBER 30, 1988 fg

HP Exhibit 0189 (19)

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FIRST NATIONAL BANK OF COMMERCE
VERSUS
DARRYL WAYNE EVERY

FILED: _____

24th JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA
NO. 372-881

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DY CLERK OF COURT
PARISH OF JEFFERSON LA
FILED FOR RECORD

_____
DEPUTY CLERK

SUPPLEMENTAL PETITION

The supplemental petition of First National Bank of Commerce, plaintiff in the above entitled and numbered cause, respectfully represents that the plaintiff desires to supplement and amend its original petition in the following respects:

I.

Pursuant to plaintiff's original petition for executory process, this honorable court signed an order for the issuance of executory process in December, 1988, and the initial notices of seizure wer issued shortly thereafter.

II.

The defendants moved to Orleans Parish and subsequently the car was seized by the Sheriff of Orleans Parish.

III.

The Sheriff of Orleans Parish, has after a due and diligent search, been unable to serve the defendant, Darryl Wayne Every with a notice of seizure.

IV.

In accordance with Articles 2641 and 2674 of the Code of Civil Procedure, plaintiff desires that this honorable court appoint an attorney at law to represent the said defendant, Darryl Wayne Every.

WHEREFORE, plaintiff, reiterating the prayer of its original petition, prays that this supplemental petition be filed and that an attorney at law be appointed to represent the absent defendant, Darryl Wayne Every.

NEWMAN, DROLLA, MATHIS, BRADY & WAKEFIELD
A Professional Law Corporation
212 Veterans Blvd.
Metairie, LA 70005
(504) 837-9040

BY: [signature]
ROBERT T. WAKEFIELD

ISSUED Not. of Appt w/ Orig. (2) Supple Pet
DATE APR 10 1989 CODED

[signature]
Deputy Clerk

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

[signature]
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA

041099 0557

VERIFICATION

STATE OF LOUISIANA

PARISH OF JEFFFERSON

BEFORE ME, the undersigned authority, personally came and appeared

ROBERT T. WAKEFIELD

who, after being duly sworn, deposes and says:

That Robert T. Wakefield is the attorney for the plaintiff in the foregoing petition and that all of the facts alleged in the foregoing petition for executory process and supplemental petition are true and correct to the best of his knowledge and belief.

ROBERT T. WAKEFIELD

SWORN TO AND SUBSCRIBED BEFORE ME THE

21st DAY OF MARCH, 1989.

NOTARY PUBLIC

FILED

MAR 28 1989

DEPUTY CLERK

ORDER

IT IS ORDERED by the court that Robert D. Creely attorney at law, be appointed to represent the defendant, Darryl Wayne Every, and that a certified true copy of the order be sent to the Sheriff of Orleans Parish, Attn: Martha Cordell, 421 Loyola Ave., New Orleans, LA 70112 with the name and address of the attorney at law to be appointed for the absent defendant, Darryl Wayne Every.

GRETNA, LOUISIANA this 28th day of March, 1989.

CODED

JUDGE

MAR 29 1989

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON, LA.

37-29-44

NIW

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL HOME LOAN MORTGAGE CORPORATION

Plaintiff

VS.

MARY COLEMAN MACKEY, WIFE OF/AND JOSEPH C. MACKEY

Defendant

IRA J. MIDDLEBERG

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. DECEMBER 1, 1988 25

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HP Exhibit 189 (20)

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AMS 0007-0142 / LOAN NO. 066871-5

CODED 4

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. A

JUDGE G. THOMAS PORTEOUS, JR.

NO. 372-944 DIVISION "

CODED 4

FEDERAL HOME LOAN MORTGAGE CORPORATION

VERSUS

MARY COLEMAN MACKEY, WIFE OF/AND JOSEPH C. MACKEY

PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

The petition of **FEDERAL HOME LOAN MORTGAGE CORPORATION**, a corporation organized under the laws of the State of Texas, and authorized to do and doing business in the Parish of Jefferson, State of Louisiana, with respect represents that:

1.

Defendants, Mary Coleman Mackey and Joseph C. Mackey are persons of the full age of majority whose whereabouts are unknown to petitioner.

2.

The defendants are jointly, severally and solidarily liable unto petitioner for the following reasons, to-wit:

3.

Petitioner is the holder and owner in due course for valuable consideration and before maturity of a certain promissory note executed by Mary Coleman Mackey wife of/and Joseph C. Mackey, payable to the order of Suburban Coast Corp., in the principal sum of SIXTY-SEVEN THOUSAND FOUR HUNDRED AND NO/100 ($67,400.00) DOLLARS, dated January 2, 1981, payable in monthly installments, including principal and interest, beginning March 1, 1981 and on the first day of each month thereafter until principal and

CODED 4 filed note mtg. in vault

ISSUED Not of Appt & Cit

DATE DEC 8 1988

CODED 4

J A Kineaster
Deputy Clerk

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interest are fully paid, the last monthly payment, if not sooner paid, being due and payable on February 1, 2011, and which note bears interest at the rate of 11.875% per annum on the unpaid balance from date, and which note was paraphed "Ne Varietur" for identification with and secured by an Act of Mortgage dated January 2, 1981, passed before Eric Oliver Person, Notary Public and two witnesses and recorded in Notarial Archives No. 952412, and MOB 813, folio 576, of the official records for the Parish of Jefferson, State of Louisiana. The original of said note is attached hereto and made a part hereof and marked "P-1" for identification. A certified true copy of the Act of Mortgage is attached hereto and made a part hereof and marked "P-2" for identification.

4.

Further, Suburban Coastal Corp. did assign, transfer, convey and deliver all of its rights, title and interest in and to the above described promissory note unto Suburban Savings and Loan Association by Notarial Act of Endorsement and Assignment of Mortgage Note, in authentic form, dated January 14, 1983, executed by Dorothy M. Cannon, Assistant Vice President, and passed before Jane Sheffler, Notary Public, and two witnesses, filed for record at MOB 870, folio 860, of the records of Jefferson Parish. A certified true copy of said Notarial Endorsement and Assignment of Mortgage Note is attached hereto and made a part hereof and marked "P-3" for identification.

5.

Further, Anchor Savings Bank, formerly Suburban Savings and Loan Association did assign, transfer, convey and deliver all of its rights, title and interest in and to the above described promissory note unto Federal Home Loan Mortgage Corp. by Notarial Act of Endorsement and Assignment of Mortgage Note, in authentic form, dated September 1, 1988, executed by Brian Heuer, Vice President, and passed before Barbara Becker, Notary Public, and two witnesses. An original copy of said Notarial Endorsement and Assignment of Mortgage Note is attached hereto and made a part hereof and marked "P-4" for identification.

372 944

6.

By virtue of the aforementioned act(s), defendants did specially mortgage, affect and hypothecate unto and in favor of your petitioner, and any other holder or holders of said note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

> THAT CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the PARISH OF JEFFERSON, STATE OF LOUISIANA, in that part thereof known as WOODMERE SUBDIVISION SECTION 2, and designated as LOT NO. 565, SQUARE L, which said Lot 565 is bounded by PAIGE JANETTE DRIVE, CANAL, DEER PARK DRIVE and OAKMERE DRIVE, and said LOT 565 commences at a distance of 189 feet from the corner on Paige Janette Drive and Oakmere Drive, and measures thence 58.75 feet front on Paige Janette Drive, same width in the rear by a depth of 100 feet between equal and parallel lines, all in accordance with a survey by R. P. Fontcuberta, Jr., Land Surveyor, dated September 18, 1980.
>
> Improvements thereon bear Municipal Number **4068 PAIGE JANETTE DRIVE, HARVEY, LOUISIANA.**

7.

By virtue of the act referred to in Paragraph 3 hereinabove, defendants confessed judgment upon the note, and consented that if the same was not paid in accordance with the terms and stipulations of said note and the aforesaid act(s), the property might be seized and sold under executory process, for cash and with appraisement, defendants having waived the demand for payment as provided for in Article 2639 of the Louisiana Code of Civil Procedure.

8.

The defendants have failed to pay the installment due February 1, 1988 and all subsequent installments due under said note.

9.

Defendants are therefore in default under the terms and conditions of the aforesaid note and act(s).

372 944

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10.

Therefore, FEDERAL HOME LOAN MORTGAGE CORPORATION has exercised its right of acceleration as the holder of the aforesaid note and declares the entire balance of said note due and payable, which balance consists of unpaid principal in the amount of $64,858.44, interest at the rate of 11.875% per annum from January 1, 1988, until paid, late charges, attorney's fees and all costs of these proceedings.

11.

By virtue of the terms of the aforementioned note and act(s), defendants agreed to pay the reasonable attorney's fees for the attorney at law who might be employed to institute proceedings to recover the amounts due under said note.

12.

This Court has jurisdiction over the property affected and encumbered by the act described in Paragraph 3 hereinabove; but because defendants, Mary Coleman Mackey and Joseph C. Mackey are absentees who cannot be served personally with process, an attorney at law should be appointed to represent them.

13.

Amicable demand has been made to no avail.

14.

Defendants, Mary Coleman Mackey and Joseph C. Mackey filed for Bankruptcy Relief in the Eastern District of Louisiana, on April 26, 1988, Case No. 88-01766, Chapter 7.

On July 22, 1988, Judge T. M. Brahney, III ordered the Automatic Stay for defendants, Mary Coleman Mackey and Joseph C. Mackey, be lifted so that the plaintiff herein could foreclose on the property described in Paragraph 5, hereinabove. A certified true copy is attached hereto and made a part hereof and marked "P-5" for identification.

372 944

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WHEREFORE, the premises annexed and documents considered, petitioner prays for an order of executory process herein, and that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and with appraisement, to pay and satisfy the claim of your petitioner in the principal sum of $64,858.44, with interest at the rate of 11.875% per annum from January 1, 1988 until paid, together with reasonable attorney's fees upon the total amount of principal and interest, late charges, and all costs of this proceeding.

Petitioner further prays that out of the proceeds of the sale, it be paid in preference and priority over all other persons and entities.

Petitioner further prays that an attorney at law be appointed to represent the absent defendant in this proceeding.

MIDDLEBERG, RIDDLE & GIANNA
201 ST. CHARLES AVENUE - 31ST FLOOR
NEW ORLEANS, LOUISIANA 70170-3100
TELEPHONE: (504) 525-7200
ATTENTION: FORECLOSURE DEPARTMENT

IRA J. MIDDLEBERG
BAR NO. 9640

PLEASE SERVE NOTICE OF SEIZURE ON:

MARY COLEMAN MACKEY AND JOSEPH C. MACKEY
THROUGH COURT APPOINTED COUNSEL

FILED
DEC 5 1988
DEPUTY CLERK

ORDER

CODED

CONSIDERING THE FOREGOING,

LET executory process issue herein as prayed for and according to law.

FURTHER, LET Robert D. Creely, attorney at law, be appointed to represent the absent defendants, MARY COLEMAN MACKEY AND JOSEPH C. MACKEY, in this proceeding.

GRETNA, LOUISIANA, this 5th day of December, 1988.

CODED

JUDGE

ON MINUTES

DEC 7 1988

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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STATE OF LOUISIANA

PARISH OF ORLEANS

CODED 4

FILED
DEC 1988
DEPUTY CLERK

VERIFICATION

BEFORE ME, the undersigned authority, personally came and appeared CRYSTAL MORRISON, a person of the full age of majority and a resident of and domiciled in the Parish of Orleans, State of Louisiana, who, after being first duly sworn, did depose and state:

That she is Agent to Anchor Mortgage Services, Inc., servicing agent to Federal Home Loan Mortgage Corporation, petitioner in the above and foregoing petition for executory process on mortgage note; that she has read said petition and the allegations set forth therein including, but not limited to, those setting forth the amount due, interest rate, and the maturity of the subject note and mortgage resulting from the failure of the defendant(s) to comply with his (their) obligations, thereunder; and that she hereby certifies that the aforesaid allegations are true and correct to the best of her knowledge, information and belief;

That the account of defendant(s) is delinquent; and

That, under the charter and by-laws of petitioner, said mortgage is subject to foreclosure.

CRYSTAL MORRISON

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30th DAY OF November, 1988.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

372-944

37-37-05

DIV. A

JUDGE

G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

THE FIRST NATIONAL BANK OF COMMERCE , NEW ORLEANS, LOUISIANA AS TRUSTEE UNDER THAT BOND INDENTURE DATE AS OF JULY 1, 1(&(BETWEEN PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY AND FIRST ANTIONAL BANK OF COMMERCE NEW ORLEANS, LOUISIANA

VS. *Plaintiff*

ALEJANDRO G. ORDAZ AND GELANA ZAHARAN ORDAZ

Defendant

ROBERT E. PUGH

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. DECEMBER 16, 1988

HP Exhibit 0189 (22)

2834

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FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS TRUSTEE, UNDER THAT BOND INDENTURE DATE AS OF JULY 1, 1979, BETWEEN PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY AND FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS LOUISIANA	:	Docket Number 373-705 Twenty Fourth Judicial District Court in and for Parish of Jefferson
VERSUS	:	
ALEJANDRO G. ORDAZ and GELANA ZAHARAN ORDAZ	:	State of Louisiana

DIV. A
JUDGE
THOMAS PORTEOUS JR
CODED-2

AMENDING PETITION

The amending petition of THE FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS TRUSTGEE, UNDER THAT BOND INDENTURE DATE AS OF JULY 1, 1979, BETWEEN PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY AND FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, a national banking corporation, organized under the laws of the United States of America, domiciled in New Orleans, Orleans Parish, Louisiana, with respect represents:

1.

That the Sheriff for this Parish has been unable to accomplish service of process upon the defendants herein, ALEJANDRO G. ORDAZ and GELANA ZAHARAN ORDAZ, all as more particularly shown by the Sheriff's return filed for record in these proceedings.

2.

That your petitioner is informed, believes and, therefore, alleges that the defendants, ALEJANDRO G. ORDAZ and GELANA ZAHARAN ORDAZ, are absentees as the same is defined in Article 5251(1) of the Louisiana Code of Civil Procedure and that, therefore, an attorney at law should be appointed curator ad hoc herein to represent said absentee defendants, ALEJANDRO G. ORDAZ and GELANA ZAHARAN ORDAZ.

Not of Appt.
ISSUED orig & amended pet.
DATE FEB 16 1989 CODED-14
S/ V. KENEASTER
Deputy Clerk
373705

Ice Lugh
FEB 16 1989
CODED-14

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WHEREFORE, petitioner prays that this amending petition be allowed; that an attorney at law be appointed curator ad hoc to represent said absentee defendants.

Petitioner further prays that the relief sought in the original petition filed herein be granted.

For all orders and decrees necessary in the premises and for full, general and equitable relief.

ROBERT G. PUGH
Of the Law Firm of
PUGH and PUGH
Suite 1200
330 Marshall Street
Shreveport, Louisiana 71101-3051
(318) 227-2270

ATTORNEYS FOR PETITIONER

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

0 0 4 7 3 9 8 1 6 7 5

STATE OF LOUISIANA:

PARISH OF CADDO:

BEFORE ME, the undersigned authority, a notary public in and for Caddo Parish, Louisiana, personally came and appeared Robert G. Pugh, who, being first duly sworn, deposes:

THAT he is one of the attorneys for petitioner in the above and foregoing petition, that he prepared and read the same and that all of the allegations therein contained are true and correct to the best of his knowledge, information and belief, and that he is duly authorized by petitioner to prepare, execute and sign said petition and this affidavit.

Robert G. Pugh

SWORN TO AND SUBSCRIBED before me, notary, on this the 3rd day of February, 1989.

Notary Public in and for Caddo Parish, Louisiana

FILED
FEB 9 1989
DEPUTY CLERK

O R D E R

FOREGOING PREMISES CONSIDERED:

LET the amending petition be filed. LET Don C. Gardner, attorney at law, be and he is hereby appointed as curator ad hoc to represent the absentee defendants.

Gretna, Jefferson Parish, Louisiana, this the 9th day of February, 1989.

FEB 13 1989

District Judge

CODED-14

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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CODED 11

THE FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS TRUSTEE, UNDER THAT BOND INDENTURE DATE AS OF JULY 1, 1979, BETWEEN PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY AND FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS LOUISIANA	:	Docket Number 373-705 Twenty Fourth Judicial District Court
VERSUS	:	Parish of Jefferson
ALEJANDRO G. ORDAZ and GELANA ZAHARAN ORDAZ	:	State of Louisiana

AMENDING PETITION

The amending petition of THE FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS TRUSTEE, UNDER THAT BOND INDENTURE DATE AS OF JULY 1, 1979, BETWEEN PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY AND FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, a banking corporation, organized under the laws of the United States of America, domiciled in New Orleans, Louisiana, with respect represents:

1.

That executory proceedings were commenced herein under and by virtue of a petition with accompanying order as filed herein on the 20th day of December, 1988.

2.

That on April 25, 1989, Alexander Gabriel Ordaz, filed a Chapter 13 bankruptcy in the United States District Court, Eastern District of Louisiana, being Case Number 89-01503-B, which was an automatic stay of the above numbered and entitled cause. That on December 12, 1981, United States District Court, Eastern District of Louisiana, issued an order modifying the stay to permit The First National Bank of

CODED ISSUED not of appt
DATE MAY 0 1 1991
S/ MYRA LANDIX
Deputy Clerk

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together with 7.625 per cent interest from May 1, 1988, the last payment date credited herein, together with escrow overdraft in the amount of $6,729.07, together with twenty five per cent attorney's fees, upon the total amount of said principal and interest and all costs of these proceedings."

5.

That the first paragraph of the prayer be amended so as to read as follows:

"WHEREFORE, the premises and annexed documents considered, said petitioner prays for an order of executory process herein and that, without notice of non-payment, a writ of seizure and sale issue herein, directing the Sheriff of this Parish to seize and sell, after due notice upon the defendants, delays, advertisements, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, without benefit of appraisement, to pay and satisfy the claim of petitioner in the principal sum of $50,717.33, with 7.625 per cent interest thereon from the first day of May, 1988, until paid, together with escrow overdraft in the amount of $6,729.09, together with twenty five per cent attorney fees upon the total amount amount of principal and interest, and all costs of these proceedings and that out of the proceeds of this sale, petitioner be paid the amount of its claim in preference and priority over all other persons."

6.

Petitioner reviews and reiterates all of the allegations and all of the prayers (as amended above), of its original petition.

7.

That Alejandro G. Ordaz is no longer residing at 4513 Banks Street, New Orleans, Louisiana, as alleged in paragraph 3 of the amending petition filed herein on March 27th, 1989. That therefore an attorney at law should be appointed curator ad hoc to represent said absentee defendant, Alejandro G. Ordaz.

0 5 0 2 2 1 0 1 3 1 2

WHEREFORE, petitioner prays that this amending petition be allowed; that a copy of this petition, together with a notice of seizure, be served upon the defendants.

Petitioner further prays for all of the relief original sought, as hereinabove amended, of its original petition.

ROBERT G. PUGH
Bar Roll Number 10897
Of the Law Firm of
PUGH, PUGH & PUGH
Commercial National Tower
Suite 2100
333 Texas Street
Shreveport, Louisiana 71101-5302
(318) 227-2270
Telecopier Number (318) 227-2273

ATTORNEYS FOR PETITIONER

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

STATE OF LOUISIANA:

PARISH OF CADDO:

BEFORE ME, the undersigned authority, a notary public in and for Caddo Parish, Louisiana, personally came and appeared Robert G. Pugh, who, being first duly sworn, deposes:

THAT he is one of the attorneys for petitioner in the above and foregoing amending petition, that he prepared and read the same and that all of the allegations therein contained are true and correct to the best of his knowledge, information and belief, and that he is duly authorized by petitioner to prepare, execute and sign said petition and this affidavit.

Robert G. Pugh

SWORN TO AND SUBSCRIBED before me, notary, on this the 17th day of April, 1991.

Robert G. Pugh, Jr.
Notary Public in and for Caddo Parish, Louisiana

O R D E R

FOREGOING PREMISES CONSIDERED:

LET the amending petition be filed. LET Robert D. Culley, attorney at law, be and he is hereby appointed as curator ad hoc to represent the absentee defendant, Alejandro G. Ordaz.

Let a writ of seizure and sale issue herein.

Gretna, Jefferson Parish, Louisiana, this the 24th day of April, 1991.

District Judge

ON MINUTES APR 28 1991

Serve defendant
Alejandro G. Ordaz, through curator appointed herein

Serve defendant, Gelana Z. Ordaz at
148 Clemson Drive, Kenner, Louisiana 70062

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

37-37-07

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

GOVERMENT NATIONAL MORTGAE ASSOCIATION

Plaintiff

VS.

MICHAEL THOMAS CORWIN AND KAREN LEE OXMAN CORMIN

Defendant

GEORGE B. DEAN, JR

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. DECEMBER 19, 1988

HP Exhibit 0189 (23)

2842

DIV. A

STATE OF LOUISIANA * PARISH OF JEFFERSON * 24TH DISTRICT COURT

JUDGE

G. THOMAS PORTEOUS JR.

GOVERNMENT NATIONAL MORTGAGE ASSOC.

FILED: _____

VERSUS NO: 373-707

MICHAEL THOMAS CORWIN etux

_____ DEPUTY CLERK

FILED FOR RECORD FEB 10 10 54 AM '89 DEPUTY CLERK OF COURT 24TH JUDICIAL DISTRICT PARISH OF JEFFERSON, LA

CODED

MOTION & ORDER TO APPOINT CURATOR

On Motion of GOVERNMENT NATIONAL MORTGAGE ASSOC., and on suggesting to the court that Plaintiff has been unable to perfect service upon the defendants, MICHAEL THOMAS CORWIN and KAREN LEE OXMAN CORWIN despite the diligent efforts of plaintiff and the Sheriff of JEFFERSON Parish, Louisiana, as reflected by the Sheriff's return on the WRIT, and the whereabouts of said defendants being unknown, and an attorney at law should be appointed by this Court to act as Curator ad Hoc upon whom service of legal process may be served during these proceedings,

IT IS ORDERED that Robert G. Creely, attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in these proceedings.

Gretna, Louisiana, this 14th day of February 1989.

G. Thomas Porteous

JUDGE

V E R I F I C A T I O N

CODED 4

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, a Notary Public, appeared George B. Dean, Jr., who declares that he is the attorney for plaintiff and that the allegations of the foregoing Motion & Order to Appoint Curator are true and correct to the best of his knowledge, information and belief.

George B. Dean, Jr.

SWORN TO AND SUBSCRIBED before me this 6th day of February, 1989.

Esther Lee Monroe

Notary Public

ON MINUTES FEB 15 1989

CODED 4

ISSUED

DATE FEB 15 1989

S/ V. KENEASTER

Deputy Clerk

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

DEPUTY CLERK 24TH JUDICIAL DISTRICT COURT PARISH OF JEFFERSON, LA.

37-47-42

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

STANDARD MORTGAGE CORPORATION

VS. *Plaintiff*

TAMMY BOWE, WIFE OF/AND LEE P. MOUTON AND BETTY WILEY, WIFE OF/AND

STEPHEN KIRANNE, ETC

Defendant

JAMES C. ARGENBAUM, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. JANUARY 11, 1989 [illegible]

HP Exhibit 0189 (24)

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CODED 4

DIV. A

JUDGE

E. THOMAS PORTEOUS, JR.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 374-742 DIVISION

STANDARD MORTGAGE CORPORATION

VERSUS

TAMMY BOXX, WIFE OF/AND LEE P. MOUTON AND
BETTY WILEY, WIFE OF/AND STEPHEN MIRANNE WEIL

CODED 4

FILED: _____ _____
DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA:

The petition of Standard Mortgage Corporation, a Louisiana corporation having its principal place of business at 300 Plaza, One Shell Square, New Orleans, Louisiana 70139, with respect, represents:

I.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Betty Wiley, wife of/and Stephen Miranne Weil who were residents of and domiciled in the Parish of Jefferson, State of Louisiana, payable to the order of Ourselves and endorsed in blank in the principal sum of $61,900.00 dated July 31, 1980 payable at Standard Mortgage Corporation in New Orleans, Louisiana or at such other place as the holder may designate in writing, in fixed monthly installments, including principal and interest of $612.99 commencing on the first day of September, 1980 and payable in full on or before the first day of August, 2010. The said note bears interest at the rate of 11.5% percent per annum on the unpaid balance from date until paid, and which said note is paraphed "Ne Varietur" for identification with an Act of Credit Sale dated July 31, 1980 and passed before H. Gordon Hartman, Notary Public in and for the Parish of Orleans and two witnesses,

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D note
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mtgs.
in vault
1/14/89 - vk

Ck# 17157 to $50000
+ to the Sheriff.

ISSUED Not of Appr. Filed 1/19/89

DATE JAN 18 1989

374-742 S/ V. KENEASTER
Deputy Clerk

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and duly recorded in MOB 800 folio 802, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

II.

The said mortgagors did, in the said act, waive all homestead exemptions to which they may be entitled under the Constitution and laws of the State of Louisiana.

III.

In the above mentioned Act, the mortgagors agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Standard Mortgage Corporation, lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagors bound and obligated themselves not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

IV.

In the above mentioned act, the said mortgagors confessed judgment on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

V.

In the said act hereinabove referred to, the said mortgagors did specially mortgage, affect and hypothecate unto and in favor of the mortgagee, Standard Mortgage Corporation and any and all other future holders of the note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

374-742

A CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson in WOODMERE SUBDIVISION, SECTION 7, all as per plan of resubdivision by J.J. Krebs & Sons, Inc., C.E. & S., dated July 24, 1978, approved by the Jefferson Parish Council by Ordinance NNo. 13812 on March 28, 1979, registered April 27, 1979 in COB 955 folio 226 designated as follows:

LOT 1875, SQUARE RR, which square is bounded by Catawba Ct., East Catawba Drive (side), Woodmere Sect. 5 (side), Woodmere Blvd. (side), 90' Canal R/W and 105' Canal R/W (side), and said lot commences 51.28 feet from the point of curvature of Catawba Ct. into West Catawba Drive with a 45.47 foot front on Catawba Ct., 130 feet in rear, by a depth of 85.31 feet on the easterly lot line and a depth on the opposite lot line of 138.09 feet; all as shown on survey by J.J. Krebs & Sons, Inc., C.E. & S., dated February 6, 1980 and resurveyed June 2, 1980 to show improvements designated as 3924 Catawba Court.

Being the same property acquired by Betty Wiley, wife of/and Stephen Miranne Weil on July 31, 1980 registered in COB 986 folio 59 and further acquired by Tammy Boxx, wife of/and Lee P. Mouton on September 1, 1981 registered in COB 1011 folio 93.

VI.

By Act of Cash Sale and Assumption of Mortgage executed September 1, 1981, before Robert S. Taylerson, Notary Public, the above described property was transferred by Betty Wiley, wife of/and Stephen Miranne Weil to Tammy Boxx, wife of/and Lee P. Mouton, which said act is duly recorded in MOB 832 folio 522, Parish of Jefferson, Louisiana; the said Tammy Boxx, wife of/and Lee P. Mouton did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "C".

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VII.

The petitioner herein, Standard Mortgage Corporation, has been advised that Betty Wiley, wife of/and Stephen Miranne Weil, the defendants herein, cannot be located and it will therefore be necessary for this Honorable Court to appoint a Curator ad Hoc to represent the absent defendants.

VIII.

The assumptors having failed to make the payments required under the terms of their mortgage, are in default under the terms of said mortgage and Standard Mortgage Corporation as the last holder of the note, after having given due notice to mortgagors herein, has exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from August 1, 1988 to date.

WHEREFORE, petitioner prays that the Court appoint a Curator-ad-Hoc to represent the absent Betty Wiley, wife of/and Stephen Miranne Weil and, further, petitioner prays for an order of Executory Process herein; and, further, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell with appraisement and after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of $58,758.77 with 11.5% percent interest thereon from July 1, 1988 until paid, together with reasonable attorney's fees on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be

374-7412

paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEAUX

BY: James C. Arceneaux

JAMES C. ARCENEAUX, III
1210 First N.B.C. Bldg.
New Orleans, La. 70112
(504) 522-8256

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

374-742

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CODED 4

FILED
JAN 11 1989
DEPUTY CLERK

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

ANTHONY P. PERNICIARO

who, upon being first duly sworn, did depose and say;

That he is a Vice President of Standard Mortgage Corporation and, as such, is familiar with the account of Tammy Boxx, wife of/and Lee P. Mouton assumed from Betty Wiley, wife of/and Stephen Miranne Weil, Account No. 36460-853, which said account has a principal balance of $58,758.77 plus interest at the rate of 11.50% from July 1, 1988, until paid, which said account is currently due for the months of August 1, 1988 until date; and moreover that he has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 6th DAY OF January, 1989.

Brigitte Legrague
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

374-742

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FILED
JAN 13 1989
DEPUTY CLERK

CODED 4

ORDER

Considering the allegations of the foregoing petition and Exhibits annexed thereto, let Executory Process issue herein; It is ordered that a writ of seizure and sale issue herein forthwith, as prayed for, according to law, with appraisement.

Gretna, Louisiana

January 13, 1989

ON MINUTES
JAN 17 1989

JUDGE

FILED
JAN 13 1989
DEPUTY CLERK

ORDER

Let Robert O'Keefe, Esq. be appointed as Curator-ad-Hoc to represent the absent defendants, Betty Wiley, wife of/and Stephen Miranne Weil.

CODED 4

Gretna, Louisiana

January 13, 1989.

JUDGE

ON MINUTES
JAN 17 1989

PLEASE SERVE:

_____, Esq.
Curator-ad-hoc to represent
absent defendants
Betty Wiley, wife of/and
Stephen Miranne Weil

Tammy Boxx, wife of/and
Lee P. Mouton
3924 Catawba Court
Harvey, La. 70058

with notice of seizure and original petition
(notice of demand waived)

374-742

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

37-80-03

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FIRST NATIONAL BANK OF COMMERCE,NEW ORLEANS,LA.AS TRUSTEE BETWEEN PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY AND FIRST NATIONAL BANK OF COMMERCE ,NEW ORLEANS,LA.

Plaintiff

VS.

FATIMA KHATOON HUSSAIN IKTIDAR HUSSAIN

Defendant

GEORGE B. DEAN,JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. MARCH 20,1989 vc

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2852

HP Exhibit 0189 (25)

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DIV. A
JUDGE
C. THOMAS PORTEOUS, JR.

CODED

STATE OF LOUISIANA * PARISH OF JEFFERSON 24TH JUDICIAL DISTRICT

FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS TRUSTEE BETWEEN PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY and FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA

VS. NO. 378-003

FATIMA KHATOON HUSSAIN
IKTIDAR HUSSAIN

FILED: _____

_____
DEPUTY CLERK

FILED FOR RECORD

CODED

PETITION FOR EXECUTORY PROCESS

The petition of FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS TRUSTEE under that bond indenture dated as of December 1, 1980, between PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY and FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, respectfully represents:

1.

The defendants are FATIMA KHATOON HUSSAIN and IKTIDAR HUSSAIN, makers of the promissory note attached as Exhibit A, are non-residents of the State of Louisiana.

2.

Defendants owe plaintiff principal of $53,082.66, interest thereon at 12.500% per annum from October 1, 1988, amounts due for taxes and insurance premiums at the rate of $122.93 per month from November 1, 1988, any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of 25% of all amounts due, subject to a credit of $126.83, and all costs.

3.

The indebtedness due plaintiff is represented and secured by the following authentic evidence:

(a) Original promissory note paraphed for identification with the act of mortgage and/or privilege (Exhibit A);

(b) Certified copy of act of mortgage and/or privilege importing a confession of judgment (Exhibit B);

(c) Certified copy of Endorsement and Assignment of Note and Mortgage (Exhibit C).

CODED

2 ibid note & mtg in vault 1/20/89

4.

Plaintiff enjoys the benefit of the following:

CODED

Ck #47047 for $130000 ent to the Sheriff. 3/21/89

ISSUED Not of Appt. Not of Demands Ltr

DATE MAR 2 8 1989

S/ V. KENEASTER

MAR 2 7 1989

378-003

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(a) Confession of judgment;
(b) Pact de non alienando;
(c) Waiver of appraisement;
(d) Waiver of homestead exemption;
(e) Right to accelerate for nonpayment.

5.

The defendants defaulted on (breached) the note and mortgage by failing to pay, when due, the monthly installment for November 1 , 1988, and defendants remained in default by thereafter failing to pay, in full, such installment and all successive monthly installments and other amounts due on the note and mortgage before plaintiff accelerated the entire indebtedness remains unpaid, despite the mailing of notice by plaintiff to defendants by certified mail, prior to such acceleration, specifying:

1. The breach;

2. The action required to cure such breach;

3. A date not less than 30 days from the date of the notice is mailed by which such breach must be cured;

4. A failure to cure such breach on or before the date specified in the notice would result in acceleration of sums secured by the mortgage;

5. That the borrower had the right to reinstate after acceleration and the right to assert non-existence of the default or any other defense of defendant to acceleration and foreclosure.

6. That if the breach was not cured on or before the date specified in the notice, plaintiff could declare all of the sums secured by the mortgage to be immediately due and payable without further demand and that the property could be seized and sold to satisfy the indebtedness due (Exhibit D & E).

6.

Defendants are not entitled to the benefit of the Soldiers & Sailors Civil Relief Act of 1940.

7.

Plaintiff is entitled to enforce its mortgage and/or privilege on the following described property in an executory proceeding, to-wit:

One certain lot of ground, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes , appurtenance and advantages there unto belonging or in anywise appertaining, situated in the State of Louisiana, PARISH OF JEFFERSON, and in that part thereof known as WESTMINISTER PARK SUBDIVISION, per subdivision plan registered in C.O.B., 918, folio 262, Parish of Jefferson in Sqaure No. 1 thereof, which square is bounded by Wakefield Drive, Bartlett Drive, Westminister Boulevard Lapalco Boulevard, The West Line of the Subdivision and Wedmore Drive, (50 feet U.G.P.L. Co. R/W Side), designated as Lot No. 12, commences at a distance of 661.34 feet from the intersection of Wakefield Drive and Bartlett Drive (measuring from said point along the front lines of Bartlett Drive

378-003

and the cul-de-sac at the intersection of Bartlett Dr. and Wakefield Dr. & Westminister Blvd.) and measuring thence in a southerly direction towards Wedmore Drive, 60 feet front on Wakefield Drive, same in width in the rear, by a depth of 100 feet between equal and parallel lines; subject to restrictions, rights of way, servitudes and outstanding mineral rights of record affecting the property.

8.

The defendants FATIMA KHATOON HUSSAIN and IKTIDAR HUSSAIN are non-residents of the State of Louisiana, they are residents of 2900 N Ala, Indialantic, Fl. 32903 and therefore an attorney at law should be appointed to represent said defendants upon whom service of seizure and any other required services might be made.

WHERFORE, PLAINTIFF PRAYS that:

I. The Clerk issue a three day notice before issuing the writ of seizure and sale.

II. A writ of seizure and sale issue to sell the property described in Paragraph 7 of the petition with appraisal and from the proceeds thereof to pay the amount owed plaintiff, to-wit: $53,082.66, interest thereon at 12.500% per annum from October 1, 1988, amounts due for taxes and insurance premiums at the rate of $122.93 per month from November 1, 1988, any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of 25% of all amounts due, subject to a credit of $126.83, and all costs.

III. That an attorney at law be appointed as Curator ad Hoc upon whom service of seizure and any other required service might be made.

THOMPSON, SPARKS, DEAN & MORRIS
1401 Royal Avenue
Post Office Box 2867
Monroe, Louisiana 71207

BY: _____
GEORGE B. DEAN, JR.
Attorneys for Plaintiff

PLEASE SERVE DEFENDANTS:

Fatima Khatoon Hussain and Iktidar Hussain through their Court Appointed Attorney

Their mailing address is 2900 N Ala, Indialantic, Fl. 32903

The Property Address is 1528 Wakefield St., Marrero, La. 70072

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.
5-18-89

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STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, the undersigned authority, personally came and appeared GEORGE B. DEAN, JR., who, being first by me, duly sworn and deposed, said that he is the attorney for petitioner herein and that the allegations of fact contained herein are true and correct to the best of his knowledge, information and belief.

GEORGE B. DEAN, JR.

SWORN TO AND SUBSCRIBED
before me this 17th day
of March, 1989.

Etter Lee Womack
Notary Public

FILED
MAR 23
DEPUTY

ORDER

Considering plaintiff's petition and the exhibits and finding that plaintiff is entitled thereto,

IT IS ORDERED that a writ of seizure and sale issue (after due delays) commanding the Sheriff to seize and sell the property described in Paragraph 7 of the petition affected by the mortgage and/or privilege as prayed for and according to law.

IT IS ORDERED that Robert Cecly, attorney at law be appointed as Curator ad Hoc upon whom service of notice and any other required services might be made.

Gretna, Louisiana this 23rd day of March, 1989.

CODED

MAR 27 1989

JUDGE

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

37-94-24

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

COLONIAL MORTGAGE COMPANY

Plaintiff

VS.

JOHN E. BRIDGES DORIS TRINCO BRIDGES

Defendant

GEORGE B. DEAN, JR.
Attorney for Plaintiff

Attorney for Defendant

Date of Filing. APRIL 17, 1989 fg

HP Exhibit 0189 (27)

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STATE OF LOUISIANA * PARISH OF JEFFERSON * 24TH DISTRICT COURT

COLONIAL MORTGAGE COMPANY

FILED: _____

VERSUS NO: 379-424

JOHN E. BRIDGES, ETUX

_____
DEPUTY CLERK

FILED FOR RECORD JUN 8 12 07 PM '89 OFFICE OF CLERK OF COURT PARISH OF JEFFERSON, LA

CODED 2

MOTION & ORDER TO APPOINT CURATOR

On Motion of COLONIAL MORTGAGE COMPANY, and on suggesting to the court that Plaintiff has been unable to perfect service upon the defendants, JOHN E. BRIDGES and DORIS TRINCO BRIDGES, despite the diligent efforts of plaintiff and the Sheriff of JEFFERSON Parish, Louisiana, as reflected by the Sheriff's return on the writ, and the whereabouts of said defendants being unknown, and an attorney at law should be appointed by this Court to act as Curator ad Hoc upon whom service of legal process may be served during these proceedings,

IT IS ORDERED that Robert Creely, attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in these proceedings.

Gretna, Louisiana, this 26th day of June, 1989.

[signature]
JUDGE

CODED-14

V E R I F I C A T I O N

JUN 27 1989 ON MINUTES

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, a Notary Public, appeared George B. Dean, Jr., who declares that he is the attorney for plaintiff and that the allegations of the foregoing Motion & Order to Appoint Curator are true and correct to the best of his knowledge, information and belief.

[signature]
George B. Dean, Jr.

SWORN TO AND SUBSCRIBED before me this 6th day of June, 1989.

Etter Lee Womack
Notary Public

Last known address:
144 Felicia Drive
Avondale, LA 70094

ISSUED not of appt w/notice
DATE JUL 03 1989
S/ M. LANDIX JUN 27 1989
Deputy Clerk

CODED-14

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

379-424

37-98-02

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FOSTER MORTGAGE CORPORATION

Plaintiff

VS.

GLENN KEITH CROON AND PAULINE BUTLER CROON

Defendant

MICHAEL M. DORSEY

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. APRIL 24, 1989 fg

HP Exhibit 0189 (28)

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89-0241

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 379-802 DIVISION "A"

FOSTER MORTGAGE CORPORATION

VERSUS

GLENN KEITH CROON

AND

PAULINE BUTLER CROON

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT ATTORNEY AT LAW TO DEFEND SUIT

On motion of Foster Mortgage Corporation, through Michael M. Dorsey, its attorney of record, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Glenn Keith Croon and Pauline Butler Croon, is unknown as appears from the Sheriff's return of the citation of file in these proceeding specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law to represent the defendant(s) Glenn Keith Croon and Pauline Butler Croon to defend this suit.

IT IS ORDERED BY THE COURT, that Robert D. Cuely attorney at law be and he is hereby appointed to represent defendant(s), Glenn Keith Croon and Pauline Butler Croon in these proceedings and defend this suit, and that the writ of seizure

ISSUED Not of appt w/motion
DATE JUL 11 1989
S/ M. LANDIX CODED
Deputy Clerk

379-802

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FILED
JUN 23 1989
DEPUTY CLERK

CODED

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared:

DOROTHY SHERWOOD

who, after being first duly sworn by me, Notary Public, did depose and state the she is the Collections Agent of Foster Mortgage Corporation, the plaintiff in the above and foregoing matter, that she has read said motion to appoint an attorney to represent absent defendant(s) and that all of the allegations set forth therein are true and correct.

Dorothy Sherwood
DOROTHY SHERWOOD

SWORN TO AND SUBSCRIBED
BEFORE ME, NOTARY, THIS
22nd DAY OF JUNE, 1989

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

38-17-79

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VS.

Plaintiff

DAVID A. STRAHLEY

Defendant

JEANNIE M. RANDAZZO

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. MAY 30, 1989 fg

2862

HP Exhibit 0189 (29)

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CODED

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 381-779 DIVISION "

DIV. A JUDGE C. THOMAS PORTEOUS, JR.

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VS.

DAVID A. STRAHLEY

FILED: _____ _____ DEPUTY CLERK

CODED

PETITION FOR EXECUTORY PROCESS

The petition of Pelican Homestead and Savings Association, a Louisiana savings and loan association organized and existing under the laws of the State of Louisiana, and domiciled in the Parish of Jefferson, appearing herein through the undersigned counsel, with respect represents that:

I.

Made defendant herein is David A. Strahley, a person of the full age of majority and domiciled in the State of Missouri.

II.

On or about December 30, 1987, petitioner, Pelican Homestead and Savings Association, merged with and became the successor of Gulf Federal Savings and Loan Association. In accordance with La. Rev. Stat. §6:864, when the merger becomes effective, the separate existence of each constituent association ceases except for that of the surviving association and the surviving association possesses all the rights and privileges, and is invested with title to all property, rights, and actions whatever possessed by or belonging to each constituent association, including the right to proceed in this lawsuit.

III.

Gulf Federal Savings and Loan Association was originally chartered as Gulf Federal Savings and Loan Association of Jefferson Parish. Thereafter, the name was changed to Gulf Federal Savings Bank.

IV.

On or about November 21, 1986, the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Gulf Federal Savings Bank, and, on the same date, the Federal Savings and Loan Insurance Corporation, as receiver for Gulf Federal Savings Bank, transferred substantially all of the assets of Gulf Federal Savings Bank to Gulf Federal Savings and Loan Association, all as more fully appears from

JUN 14 1989

file note + mortgage in result

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JUN 2 - 1989

ISSUED Not of appt

DATE JUN 14 1989

S/ M. LANDIX

Deputy Clerk

CODED

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the Act of Deposit which evidenced these occurrences. Said Act of Deposit is dated March 25, 1987, before Nadine Y. Penn, Notary Public, and two (2) competent witnesses who signed thereon. A certified copy of said Act of Deposit is attached hereto and made part hereof as Exhibit A.

V.

Your petitioner, Pelican Homestead and Savings Association, is the holder and owner for a valuable consideration before maturity of a certain promissory note made and subscribed in Metairie, Louisiana, by David A. Strahley to the order of Gulf Federal Savings Bank in the original principal amount of NINETY-TWO THOUSAND ONE HUNDRED FIFTY AND NO/100 ($92,150.00) DOLLARS, dated August 6, 1984, payable in installments as provided in said Note and Mortgage, and stipulating to bear interest at the rate of ten and twenty-five/one hundred (10.25%) percent per annum from date until September 30, 1985. On October 1, 1985, and each October 1st thereafter, the annual change date, the rate of interest may adjust to two (2) percentage points over the Current Index, as defined in the Note and Mortgage. The Index is the weekly average yield on United States Treasury securities adjusted to a constant maturity of one (1) year, as made available by the Federal Reserve Board. The most recent Index figure available as of forty-five (45) days before each Change Date is called the "Current Index." The interest rate may adjust a maximum of two (2%) percent annually, with the maximum interest rate that may be charged over the life of the loan being fifteen and twenty-five/one hundred (15.25%) percent, in accordance with the terms of said Note and Mortgage, until paid. Said Note is secured by and paraphed "Ne Varietur" for identification with an Act of Mortgage passed before Camille Bourgeois, Notary Public, dated August 6, 1984, in the amount of NINETY-TWO THOUSAND ONE HUNDRED FIFTY AND NO/100 ($92,150.00) DOLLARS, recorded in the Parish of Jefferson in MOB 928, folio 615, wherein the said David A. Strahley executed a first mortgage in the presence of said Notary Public and two competent witnesses who signed thereon, encumbering the following described property, to-wit:

> ONE CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part thereof known as KENNER PROJECT, SECTION 5 in SQUARE 6, which square is bounded by Jasper Street, 27th Street (formerly Frankfort Avenue), Huntsville Street and Veterans Memorial Boulevard (formerly Laverne Avenue).

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According to survey by BFM Corporation said lot is designated by the No. 22-A and measures as follows:

LOT 22-A, composed of a portion of original LOT 21 and all of original LOTS 22 and 23 by virtue of ordinance #3706 passed by the City of Kenner Council dated October 20, 1983 registered in COB 1060 folio 981 in accordance with survey by BFM Corporation dated August 19, 1983 and according thereto said LOT 22-A, commences 286.67 from the corner of Jasper Street, same in width in the rear by a depth between equal and parallel lines of 120 feet. All as shown on the annexed survey of BFM Corp., dated December 16, 1983, recertified July 18, 1984.

Improvements thereon bear Municipal Nos. 2731-33 Jasper Street, Kenner, La.

Being the same property acquired by Mortgagor Herein from ICV, Inc., by act before Camille Bourgeois, N.P., dated August 6, 1984, registered in COB _____ folio _____.

PARTIES HERETO take cognizance of the following:

Encroachment by concrete drive up to .3 feet on the Veterans Highway side, as shown on the annexed survey.

This property bears municipal address 2731-33 Jasper Street, Kenner, Louisiana 70065.

VI.

Petitioner attaches hereto as Exhibits B and C respectively and makes a part hereof a certified copy of the aforesaid Act of Mortgage and the original of the Note identified therewith.

VII.

That, as shown by the Authentic Act of Transfer of Note attached hereto and made part hereof as Exhibit D, Gulf Federal Savings Bank pledged the above-referenced Note to the Federal Home Loan Bank of Dallas on March 20, 1985. That, pursuant to the Certified Copy of the Notarial Endorsement attached hereto and made part hereof as Exhibit E, the Federal Home Loan Bank of Dallas transferred the Note back to Pelican Homestead and Savings Association on January 24, 1989.

VIII.

That, the said David A. Strahley is an absentee under Louisiana Code of Civil Procedure Article 5251 since he is a non-resident of this State. His last known address is 1910 Buckingham Street, St. Joseph, Missouri 64506. Therefore, it will be necessary to appoint an attorney at law to represent the absentee under Louisiana Code of Civil Procedure Article 2674.

IX.

That, by said Act, petitioner retained a first mortgage lien and privilege on the property, and the defendant granted a special mortgage under the "pact de non alienando" upon said property to secure the payment

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of said Note, with interest, attorney's fees, late charges, advances and other charges, as will be hereinafter set forth.

X.

That, under the aforedescribed Act, the said defendant confessed judgment upon said Note and consented that if said Note were not paid in accordance with the terms and conditions of said Act of Mortgage dated August 6, 1984, the mortgaged property might be seized and sold by Executory Process, for cash, to the highest bidder with or without appraisement at the option of the petitioner.

XI.

That, by said Act, the said David A. Strahley obligated himself in case it became necessary to institute legal proceedings for the recovery of the amount of said Note, or any portion thereof, to pay the fees of the attorney at law employed for that purpose, which fees are fixed by the terms of said Act of Mortgage at twenty-five (25%) percent of the total amount sued upon, which amount is reasonable in light of the amount of legal expertise and time expended to obtain the satisfaction of this debt.

XII.

That, by the terms of said Act, it was stipulated that should David A. Strahley violate any of the conditions of the Act or fail to promptly perform any obligations thereunder, or fail to make any payment due to the petitioner, the said petitioner may, at its option, after notice as provided in said Act, declare the entire balance due by the defendant to the petitioner or any holder or holders of the said Note immediately due, exigible and payable, together with all interest, attorney's fees, late charges, advances and all other expenses and charges.

XIII.

That, by the terms of said Act, it was stipulated that should the defendant fail to pay any taxes or insurance premiums affecting the subject property, when due, that the holder of the Note, at its option, may pay such taxes and insurance premiums as they become due, and such advance shall become an additional indebtedness secured by the mortgage given in the aforesaid Act and shall bear interest at the same rate as the principal debt from the date of disbursement until paid.

XIV.

That, in accordance with said Act, the said defendant obligated himself to pay a late charge fee of five (5%) percent of any monthly installment of

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principal and interest not received by the petitioner within fifteen (15) days after such installment is due.

XV.

That, the said David A. Strahley is more than thirteen (13) weeks in arrears in his payments, the last payment having been made through August 31, 1988.

XVI.

That, in accordance with the terms of the Note and Act of Mortgage, the Note is in default as it is past due and exigible as to principal, interest, late charges and attorney's fees and remains unpaid, notwithstanding formal notice of delinquency and notice of acceleration, within the time limits set forth in said Act, as outlined in the Authentic Act of Notice of Delinquency and Acceleration attached hereto and made a part hereof as Exhibit F.

XVII.

That, on November 1, 1985, November 1, 1986, November 1, 1987 and November 1, 1988, the adjusted interest rate became effective in accordance with the terms of the Note and Act of Mortgage. Notification of the interest rate changes was sent to defendant within the time limits set forth in the Note and Act of Mortgage, as shown by the Authentic Act of Notice of Interest Rate Change which is attached hereto and made part hereof as Exhibit G.

XVIII.

That, by the terms of the Act of Mortgage, as well as La. Rev. Stat. §6:824(D)(3) and/or La. Rev. Stat. §9:5136, et seq., the petitioner may, at its option and without security, appoint itself or an agent as keeper or receiver to enter upon, take possession of, and manage the property, and to collect the rents of the property, including those past due. The said petitioner, Pelican Homestead and Savings Association, wishes to exercise its right to appoint itself or an agent as receiver of the above-referenced property.

XIX.

On or before December 14, 1988, the Association advanced FIVE HUNDRED SIXTY-SEVEN AND 53/100 ($567.53) DOLLARS in accordance with the terms of said mortgage for the payment of taxes and insurance leaving a deficit of FOUR HUNDRED NINETY-NINE AND 70/100 ($499.70) DOLLARS in the mortgagor's escrow account. The Association is entitled to reimbursement of FOUR HUNDRED NINETY-NINE AND 70/100 ($499.70) DOLLARS with interest thereon at the rate of ten and seventeen/one

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hundred (10.17%) percent per annum from December 14, 1988 until October 31, 1989, at which time the interest rate will adjust in accordance with the terms of the Act of Mortgage until paid.

XX.

Now, by Affidavit and Certificate of Amount Due attached as Exhibit H, petitioner shows that there is a balance due of EIGHTY-NINE THOUSAND THREE HUNDRED EIGHTY-SIX AND 35/100 ($89,386.35) DOLLARS, together with interest at the rate of eight and nine hundred thirty/one thousand (8.930%) percent per annum from September 1, 1988 until October 31, 1988, and at the rate of ten and seventeen/one hundred (10.17%) percent per annum from November 1, 1988 until October 31, 1989, at which time the interest rate will adjust in accordance with the terms of the Act of Mortgage until paid, plus FOUR HUNDRED NINETY-NINE AND 70/100 ($499.70) DOLLARS advanced for the payment of taxes and insurance, together with interest thereon at the rate of ten and seventeen/one hundred (10.17%) percent per annum from December 14, 1988 until October 31, 1989, at which time the interest rate will adjust in accordance with the terms of the Act of Mortgage until paid, together with late charges and attorney's fees in the amount of twenty-five (25%) percent on the whole of said indebtedness.

XXI.

That, by the terms of said Act, the defendant waived demand for payment.

XXII.

Petitioner desires that the hereinabove described property be seized and sold on terms of ten (10%) percent cash down with the balance in cash within thirty (30) days of the sheriff's sale, with benefit of appraisement, according to law.

WHEREFORE, premises and the attached documents and authentic evidence being considered, petitioner prays:

(1) That, an attorney at law be appointed to represent the absentee, David A. Strahley;

(2) That Pelican Homestead and Savings Association, or its agent, be appointed receiver, without security, to enter upon, take possession of, and manage the property, and to collect the rents of the property, including those past due;

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(3) That a writ of seizure and sale issue herein, directing the Sheriff for the Parish of Jefferson to seize and, after due delays, requisites and formalities, save those expressly waived in the Act of Mortgage, to sell, on terms of ten (10%) percent cash down with the balance in cash within thirty (30) days of the sheriff's sale the property hereinabove described, with benefit of appraisement, according to law;

(4) That, out of the proceeds of said sale, petitioner, Pelican Homestead and Savings Association, be paid the sum of EIGHTY-NINE THOUSAND THREE HUNDRED EIGHTY-SIX AND 35/100 ($89,386.35) DOLLARS, together with interest at the rate of eight and nine hundred thirty/one thousand (8.930%) percent per annum from September 1, 1988 until October 31, 1988, and at the rate of ten and seventeen/one hundred (10.17%) percent per annum from November 1, 1988 until October 31, 1989, at which time the interest rate will adjust in accordance with the terms of the Act of Mortgage until paid, plus FOUR HUNDRED NINETY-NINE AND 70/100 ($499.70) DOLLARS advanced for the payment of taxes and insurance, together with interest thereon at the rate of ten and seventeen/one hundred (10.17%) percent per annum from December 14, 1988 until October 31, 1989, at which time the interest rate will adjust in accordance with the terms of the Act of Mortgage until paid, as well as future advances plus interest from the date of disbursement until paid, together with late charges and attorney's fees in the amount of twenty-five (25%) percent on the entire indebtedness, and for all costs of these proceedings;

(5) That, petitioner, Pelican Homestead and Savings Association, be paid the amount of the aforesaid claim with preference and priority over all other persons whomsoever; and

(5) For all general and equitable relief.

BALDWIN & HASPEL:

JEANNIE M. RANDAZZO (Bar #11101)
JANET D. DILZELL (Bar #14217)
LANCE J. ARNOLD (Bar #18768)

BY: _____
Attorneys for Petitioner
2121 Airline Highway
5th Floor
Metairie, LA 70001
(504) 836-8480

EPS12/1

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 381-779 DIVISION " "

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VS.

DAVID A. STRAHLEY

FILED: _____ DEPUTY CLERK

FILED FOR RECORD MAY 30 1989 AM '89 DEPUTY CLERK PARISH OF JEFFERSON LA

CODED

ORDER

Considering the above and foregoing Petition, let Pelican Homestead and Savings Association, or its agent, be appointed receiver, without security, to enter upon, take possession of, and manage the property, and to collect the rents of the property, including those past due; let a Writ of Seizure and Sale issue herein as prayed for and according to law; and let Robert G. Creely be appointed to represent the absentee, David A. Strahley, in accordance with Louisiana Code of Civil Procedure Article 2674.

Gretna, Louisiana, this 30th day of May, 1989.

CODED

JUDGE

ON MINUTES JUN 1989

PLEASE PREPARE
NOTICE OF SEIZURE AND
NOTICE TO APPOINT AN APPRAISER ONLY
ON THE ATTORNEY APPOINTED TO REPRESENT:

David A. Strahley

Robert G. Creely, Atty
901 Derbigny St
Gretna, Louisiana 70053

EPS12/1

CODED
2cc

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

381 779

38-20-48

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VS. *Plaintiff*

NANCY CARTER, WIFE OF/AND CLIFFORD EUGENE BELL

Defendant

jeffrey a. jones
Attorney for Plaintiff

Attorney for Defendant

Date of Filing. JUNE 2, 1989 fg

2871

HP Exhibit 0189 (31)

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TWENTY-FOURTH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 382-048 DIVISION: "A"

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

NANCY CARTER, wife of/and CLIFFORD EUGENE BELL

FILED: _____ _____ DEPUTY CLERK

MOTION AND ORDER TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel, comes the petitioner, FEDERAL NATIONAL MORTGAGE ASSOCIATION, and upon suggesting to the Court that the Sheriff's Office has given notice that they have been unable to serve the defendants, NANCY CARTER, wife of/and CLIFFORD EUGENE BELL, at the addresses given after a due and diligent attempt, and upon information and belief the defendants, NANCY CARTER, wife of/and CLIFFORD EUGENE BELL, are absentees, it is necessary that a Curator ad hoc be appointed to represent the interest of the absentee defendants, NANCY CARTER, wife of/and CLIFFORD EUGENE BELL.

Respectfully submitted,

DeMARTINI, LeBLANC, D'AQUILA & VOLK

Jeffrey A. Jones

ROY M. D'AQUILA
JEFFREY A. JONES
3329 Florida Avenue
Kenner, Louisiana 70065
Phone: (504) 469-6699

O R D E R

IT IS ORDERED THAT Robert D. G. Cuely Attorney at Law, be appointed as Curator to represent the absentee defendants, NANCY CARTER, wife of/and CLIFFORD EUGENE BELL.

Gretna, Louisiana this 18th day of December, 1989.

CODED 11

DEC 22 1989

ISSUED Re- cit & pet w/ 1st of appt

DATE JAN 02 1990

Deputy Clerk

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

38-22-29

NIW

DIV. A
JUDGE
C. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Plaintiff

VS.

SYLVIA WHITE WASHINGTON, WIFE OF/AND EDWARD JOHN WASHINGTON

Defendant

RONALD J. VEGA

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. JUNE 6, 1989 fg

2873

HP Exhibit 0189 (32)

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24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 382-229 DIVISION "A"

FILED FOR RECORD
JUL 20 3 16 PM '89

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

SYLVIA WHITE WASHINGTON, WIFE OF/AND EDWARD JOHN WASHINGTON

FILED:_____ _____
DEPUTY CLERK

CODED-2

MOTION TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel, comes FEDERAL NATIONAL MORTGAGE ASSOCIATION, respectfully represents that:

1.

The Defendants, Sylvia White Washington, wife of/and Edward John Washington, are persons of the full age of majority, who could not be served with process by the Sheriff despite numerous attempts, the Sheriff's return indicated no other known address for Defendants and whose current whereabouts are unknown to petitioner.

2.

This Court has jurisdiction over the property against which this mortgage is sought to be enforced; but because Defendants, Sylvia White Washington, wife of/and Edward John Washington, are absentees who cannot be served personally with process, an attorney at law should be appointed by the Court to represent them.

ISSUED: Not appt 14/mot
DATE: 8-9-89 3 Orig at 3 not
Deputy Clerk

CODED-14

382229

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3.

Your petitioner reurges and reiterates each and every other allegation set forth in the original petition as if copied in extenso.

WHEREFORE, Federal National Mortgage Association prays that an attorney at law be appointed to represent the absentee Defendants, Sylvia White Washington, wife of/and Edward John Washington.

Respectfully submitted,

MIDDLEBERG, RIDDLE & GIANNA

BY: _____
RONALD J. VEGA
Bar No. 13038
Place St. Charles, 31st Floor
201 St. Charles Avenue
New Orleans, LA 70170-3100
(504) 525-7200

PLEASE SERVE:

SYLVIA WHITE WASHINGTON, WIFE OF/AND
EDWARD JOHN WASHINGTON
THROUGH COURT APPOINTED COUNSEL

FILED
JUL 25 1989
DEPUTY CLERK

ORDER

IT IS ORDERED by this Court that Robert J. Cicely, attorney at law, be and he is hereby appointed Curator Ad Hoc to represent the absentee defendants, Sylvia White Washington, wife of/and Edward John Washington.

Gretna, Louisiana, this 25th day of July, 1989.

_____
JUDGE

CODED-14

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

_____
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

7-26 19 89

$200. curator fee

I, HEREBY CERTIFY THAT ALL COSTS INCURRED IN THIS MATTER HAVE BEEN PAID.

_____
Deputy Clerk

JUL 26 1989
ON MOTION

382279

38-22-75

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

BUCKEYE FEDERAL SAVINGS & LOAN ASSOCIATION

Plaintiff

VS.

ADRAIAN M. EUGENE

Defendant

MICHAEL M. DORSEY
Attorney for Plaintiff

Attorney for Defendant

Date of Filing. JUNE 7, 1989 fg

HP Exhibit 0189 (33)

2876

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89-0197

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 382-275 DIVISION "A

BUCKEYE FEDERAL SAVINGS & LOAN ASSOCIATION

VERSUS

ADRIAN M. EUGENE

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT ATTORNEY AT LAW TO DEFEND SUIT

On motion of Buckeye Federal Savings & Loan Association, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Adrian M. Eugene, is unknown as appears from the Sheriff's return of the citation of file in these proceeding specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law to represent the defendant(s) Adrian M. Eugene in his absence and to defend this suit on his behalf.

IT IS ORDERED BY THE COURT, that Robert G. Creely attorney at law be and he is hereby appointed to represent defendant(s), Adrian M. Eugene in these proceedings and defend this suit, and that he/she be cited to appear and answer the

ISSUED Not of appt. w/motion & cit & pet
DATE AUG 15 1989 CODED

382 27

38-36-58

DIV. D
JUDGE
RONALD P. LOUMIET

3 6 3 6 5 8

2878

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FIRST FEDERAL SAVINGS BANK

Plaintiff

VS.

ELLA LANDRY, WIFE OF/AND DONALD J. ADAMS

Defendant

RICHARD J. TOMENY , JR.
Attorney for Plaintiff

Attorney for Defendant

Date of Filing. JUNE 30, 1989 fg

HP Exhibit 0189 (34)

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CODED

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 383-658 DIVISION " "

FIRST FEDERAL SAVINGS BANK

VERSUS

ELLA LANDRY, WIFE OF/AND DONALD J. ADAMS

CODED

FILED:_____ DEPUTY:_____

SUIT ON PROMISSORY NOTE AND FOR RECOGNITION OF MORTGAGE AND APPOINTMENT OF KEEPER

The Petition of First Federal Savings Bank , a banking corporation, domiciled in the Parish of Orleans, State of Louisiana, respectfully represents:

I.

Defendants, Ella Landry, wife of/and Donald J. Adams, who are domiciled in Englewood, Colorado, are indebted unto your petitioner in the sum of THIRTY THOUSAND AND NO/100 ($30,000.00) DOLLARS, together with interest, attorney's fees and costs of court as hereinafter set forth.

II.

Petitioner is the holder of a certain promissory note ("P-1") executed by Ella Landry, wife of/and Donald J. Adams, both appearing therein by Richard Regan, their duly authorized agent and attorney in fact as contained in Special Power of Attorney attached hereto and marked "P-2". Said promissory note was executed on July 7, 1987 made payable to the order of First Federal Savings Bank, in the sum of THIRTY THOUSAND AND NO/100 ($30,000.00) DOLLARS, payable on demand. Interest under this note is Twenty-Five (25%) percent, all as shown on the said note which is attached hereto and marked "P-1".

No original note JUL - 6 1989 JS

III.

In an act of hypothecation, attached hereto and marked "P-3", the defendants, by their agent and attorney in fact, Richard Regan, authorized to pledge as security on their behalf, the collateral mortgage note of Ella Landry, wife of/and Donald J. Adams, their agent and attorney in fact, Richard Regan, dated July 7, 1987,

ISSUED Cit & Cit w/Not of Appt.

DATE JUL - 6 1989

S/J. Saladino CODED

Deputy Clerk

383-658

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payable to the order of "Bearer" payable on demand in the sum of THIRTY THOUSAND AND NO/100 ($30,000.00) DOLLARS.

IV.

In collateral pledge agreement attached hereto and marked "P-4", Ella Landry, wife of/and Donald J. Adams, authorized Richard Regan, as their agent and attorney in fact, pledge as security on their behalf, the collateral mortgage note, attached hereto and marked "P-5", of Ella Landry, wife of/and Donald J. Adams, all by their agent and attorney in fact, Richard Regan dated July 7, 1987, payable to the order of 'Bearer' on demand in the sum of THIRTY THOUSAND AND NO/100 ($30,000.00) DOLLARS.

V.

The aforesaid collateral mortgage note was paraphed "Ne Varietur" for identification with an act of a collateral mortgage attached hereto and marked "P-6", dated July 7, 1987 executed by Ella Landry, wife of/and Donald J. Adams, all by their agent and attorney in fact, Richard Regan and passed before a Notary Public in and for the Parish of Jefferson, State of Louisiana, wherein the above defendants did mortgage in favor of First Federal Savings Bank, the following described property, to-wit:

PROPERTY 1:

> TWO CERTAIN LOTS OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in Square No. 148 of Highway Park, City of Kenner, bounded by Delaware Avenue, 36th Street, Florida Avenue and W. Esplanade Avenue, designated as Lots 11 and 12, and are more fully described as follows:
>
> LOTS 11 and 12 adjoin each other and measure together 50 feet front on Delaware Avenue, the same width in the rear, by a depth of 127.50 feet between equal and parallel lines. Lot 11 lies nearer to and commences 250 feet from the corner of Delaware Avenue and 36th Street.
>
> All in accordance with a survey made by Charles T. Nelson, Surveyor, dated September 30, 1978, revised February 22, 1979, revised April 22, 1979.

PROPERTY 2:

> TWO CERTAIN LOTS OF GROUND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining situated in the Parish of Jefferson, State of Louisiana, in Square No. 148 of Highway Park, City of Kenner, bounded by Delaware Avenue, 36th Street, Florida Avenue and W. Esplanade Avenue, designated as Lots 13 and 14, and are

0 0 2 1 3 9 0 1 3 4

more fully described as follows:

LOTS 13 and 14 adjoin each other and measure together 50 feet front on Delaware Avenue, the same width in the rear, by a depth of 127.50 feet between equal and parallel lines. Said Lot No. 13 lies nearer to and commences at a distance of 300 feet from the corner of Delaware Avenue and 36th Street.

Improvements thereon bear the Municipal No. 3520 Delaware Avenue.

All in accordance with a survey made by Charles T. Nelson, Surveyor, dated September 30, 1978, revised February 22, 1979, revised April 22, 1979.

PROPERTY 3:

TWO CERTAIN LOTS OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining situated in the Parish of Jefferson, State of Louisiana, in Square No. 286 of Highway Park, Kenner, bounded by Iowa Avenue, 30th Street, Kansas Avenue and Interstate Highway 10, designated as Lots 3 and 4 on a survey made by Charles T. Nelson, Land Surveyor, dated February 8, 1977, revised March 10, 1977, revised March 18, 1977, said lots adjoin each other and measure together 50 feet front on Iowa Avenue, the same width in the rear, by a depth of 127.5 feet between equal and parallel lines. Said Lot No. 3 lies nearer to and commences 50 feet from the corner of Iowa Avenue and 30th Street.

Improvements thereon bear the Municipal No. 2916 Iowa Avenue.

PROPERTY 4:

TWO CERTAIN LOTS OF GROUND, State of Louisiana, in Square No. 286 of Highway Park, Kenner, bounded by Iowa Avenue, 30th Street, Kansas Avenue and Interstate Highway 10, designated as Lots 5 and 6 on a survey made by Charles T. Nelson, Land Surveyor, dated February 8, 1977, revised March 10, 1977, revised March 18, 1977, said lots adjoin each other and measure together 50 feet front on Iowa Avenue, the same width in the rear, by a depth of 127.5 feet between equal and parallel lines. Said Lot No. 5 lies nearer to and commences 100 feet from the corner of Iowa Avenue and 30th Street.

Improvements thereon bear the Municipal No. 2912 Iowa Avenue.

VI.

The said defendants have failed and refused to pay the note on demand, whereby placing the note in default and petitioner now accelerates and matures the entire sum of THIRTY THOUSAND AND NO/100 ($30,000.00) DOLLARS together with interest from April 1, 1989 until paid, and attorney's fees as provided in said note.

VII.

Defendants are absent from the state and a curator ad hoc should be appointed to represent them.

VIII.

That pursuant to the terms of the mortgage and the Provisions of LSA RS:9:5136 et.seq. First Federal Savings Bank is appointed keeper and expressly authorized to collect and seize such rents and revenues as are produced by said properties mortgaged thereunder.

Petitioner avers amicable demand without avail.

WHEREFORE, petitioner prays that defendants be served with a copy of this petition and duly cited to appear and answer same and that, after due proceedings had, there be judgment rendered herein in favor of plaintiff, First Federal Savings Bank and against the defendants, Ella Landry, wife of/and Donald J. Adams, severally and in solido, in the full and true sum of THIRTY THOUSAND AND NO/100 ($30,000.00) DOLLARS, with interest at the rat of Twenty-Five (25%) percent per annum and Ten (10%) percent of said principal and interest as attorney's fees and all costs of these proceedings; and that the plaintiff's mortgage and lien be maintained and recognized on the property described as:

LOTS 11 and 12, Square 148 of Highway Park, City of Kenner, State of Louisiana.

LOTS 13 and 14, Square 148 of Highway Park, City of Kenner, State of Louisiana, bearing the Municipal # 3520 Delaware Avenue.

LOTS 3 and 4, Square 286 of Highway Park, City of Kenner, State of Louisiana, bearing the Municipal # 2916 Iowa Avenue.

LOTS 5 and 6, Square 286 of Highway Park, City of Kenner, State of Louisiana, bearing the Municipal # 2912 Iowa Avenue.

Respectfully submitted,

Richard J. Tomeny, Jr.
Chehardy, Sherman, Ellis & Breslin
Attorneys at Law
Suite 1100, One Galleria Boulevard
Metairie, LA 70001
Telephone: 504-833-5600
Bar Roll No. 12852

PLEASE SERVE:

Ella Landry, wife of/and
Donald J. Adams
Through Duly Appointed
Curator Ad Hoc

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

0 7 2 1 8 9 0 1 3 6

Case # 383-658
Div. "O"

ORDER

FILED
JUN 30 1989
CODED

Considering the above and foregoing, let Robert Creely be appointed curator ad hoc and let First Federal Savings Bank be appointed keeper of the above described properties and as such authorized to collect all rents and revenues derived therefrom.

30 day of June, 1989

JUDGE

CODED

ON MINUTES
JUL 3 1989

June 30, 1989
I HEREBY CERTIFY THAT 200.00
COSTS INCURRED IN THIS MATTER
HAVE BEEN PAID

CODED

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

CODED

383-658

0 1 2 3 9 9 0 3 7 0

FILED
JUN 30
gn

VERIFICATION

CODED

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, personally appeared the undersigned, who deposed that she is an officer of the plaintiff bank in the foregoing Petition and that all of the facts alleged in the foregoing Petition for Executory Process are true and correct to the best of his knowledge and belief.

x Donna Herman

SWORN TO AND SUBSCRIBED before me
this 30 day of June, 1989.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

38-38-59

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION[

VS. *Plaintiff*

WALTER C. YOUNG

Defendant

ALBERT F. WIDMER, JR.
Attorney for Plaintiff

Attorney for Defendant

Date of Filing. JULY 7, 1989 fg

HP Exhibit 0189 (35)

2885

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24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 383-859 DIVISION: "A"

FEDERAL NATIONAL MORTGAGE ASSOCATION

VERSUS

WALTER C. YOUNG

FILED: DY.CLERK:

P

FILED JUL 19 '89

CODED-14

****

SUPPLEMENTAL PETITION

NOW INTO COURT, through undersigned counsel, comes Federal National Mortgage Association, petitioner herein, and amends its original petition as follows:

1.

The Sheriff of Jefferson Parish, Louisiana, after a diligent search, has been unable to locate the defendant herein, WALTER C. YOUNG, as will be evidenced from the Sheriff's return in these proceedings.

2.

Petitioner believes and therefore alleges that the defendant, WALTER C. YOUNG, is an absentee from the State of Louisiana, and that an attorney ad hoc should be appointed to represent him in these proceedings against whom all further proceeding herein should be carried on.

3.

WHEREFORE, Petitioner prays that an attorney ad hoc be appointed to represent the defendant, WALTER C. YOUNG, herein; that the said defendant be served with a three-day notice to pay, a copy of this Petition and the notice of seizure through said attorney ad hoc, and that all further proceedings be carried on contradictorily against said attorney ad hoc.

Respectfully submitted,

Albert F. Widmer, Jr.

ALBERT F. WIDMER, JR.
3201 Danny Park, Suite 107
Metairie, LA 70002
(504) 885-6657
Bar No.: 13454
Attorney for Petitioner,
FEDERAL NATIONAL MORTGAGE ASSOCIATION

not of demand CODED-14
not of appt.
ISSUED
DATE JUL 20 1989
S/ M. LANDIX
Deputy Clerk

383 859

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STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared, ALBERT F. WIDMER, JR., who being by me first duly sworn, did depose and say that:

He is the attorney for the Petitioner in the above petition; he has read the same; all of the allegations contained therein are true and correct, to the bestof his information, knowledge and belief.

ALBERT F. WIDMER, JR.

Sworn to and subscribed before me this 18th day of July, 1989.

NOTARY PUBLIC

ORDER

Let Robert Creely, attorney at law, be and he is hereby appointed as attorney ad hoc to represent the defendant, WALTER C. YOUNG, and let all further proceedings herein be carried on contradictorily against the said attorney ad hoc and his fee and expenses be taxed as costs.

READ, RENDERED AND SIGNED at Gretna, Louisiana, this 19 day of July, 1989.

J U D G E

CODED-14

LAST KNOWN ADDRESS OF DEFENDANT:

P.O. Box 6538
Hilton Head, South Carolina 29938-6538

PROPERTY ADDRESS:

6320 Ackel Street, Unit 215
Metairie, LA 70003

JUL 20 1989

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

38-42-77

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

ROY J. GATTUSO, VERINA SAVOY GATTUSO AND RONALD C. BRICHTEL

VS. *Plaintiff*

ROBIN REALTY, INC., A/K/A ROBIN TOWING CORPORATION, ET AL

Defendant

ROY J. D. GATTUSO 5966

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. JULY 1[illegible], 1989 JI

HP Exhibit 0189 (36)

2888

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 384-277 DIVISION "A" DOCKET NO.

ROY J. GATTUSO, VERINA SAVOY GATTUSO
and RONALD C. BRECHTEL

VERSUS

ROBIN REALTY, INC., A/K/A ROBIN TOWING CORPORATION
KENNETH S. LAMY, CLAIRE MORIN, WIFE OF/AND REGINALD G. FOSTER
and DOROTHY MALLINSON, WIFE OF/AND FREDERICK WILLIAM SIDMAN

FILED: _____ _____
DEPUTY CLERK

AMENDED AND SUPPLEMENTAL PETITION

The amended and supplemental petition of Roy J. Gattuso, Verina Savoy Gattuso and Ronald C. Brechtel, Plaintiffs in the above entitled and numbered cause, respectfully represent that they desire to supplement and amend their original petition filed herein on July 14, 1989 in the following respects:

I.

From an examination of the record herein and more particularly the return of the Sheriff of the Parish of Jefferson on the Notice of Seizure to be served on defendants, Claire Morin, wife of/and Reginald G. Foster, it appears that the Sheriff has been unable to serve same after a due and diligent search therefore at the last known address in Louisiana and their present whereabouts are unknown. The Sheriff reports further that Claire Morin, wife of/and Reginald G. Foster have moved from 817 Marlene, Gretna, Louisiana 70053, the address of their former residence, and that service cannot be made after a due and diligent effort.

II.

That accordingly, Petitioners allege that the said defendants are absentees from this State, even though same may, in fact, be found within this State, all according to definition of Article 5251 (1) of the Louisiana Code of Civil Procedure and that Petitioners are entitled to have an attorney at law appointed as Curator Ad Hoc to represent the unrepresented and absentee defendants and to have these executory proceedings carried on in accordance with law, all as per Article 2674 (4) of the Louisiana Code of Civil Procedure.

III.

Petitioners allege and reiterate each and every allegation of their original petition not inconsistent herewith.

ISSUED not of appt
DATE OCT 12 1989
S/ M LANDIX
Deputy Clerk

1 0 1 5 3 9 2 9 1

WHEREFORE, the premises considered, Petitioners pray that this amended and supplemental petition be filed, according to law, and that an attorney at law be appointed Curator Ad Hoc to represent the unrepresented and absent defendants and these proceedings be carried on in accordance with law.

VEZINA AND ASSOCIATES
(A Professional Law Corporation)
401 Weyer St., P. O. Box 461
Gretna, LA 70054
(504) 368-5223
La. State Bar No. 5966

Roy J. D. Gattuso

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared:

ROY J. D. GATTUSO

who, after being duly sworn, did depose and say that he is the attorney for the plaintiffs in the above and foregoing Petition; that he has read same and that all of the obligations therein contained are true and correct to the best of his knowledge, information and belief.

ROY J. D. GATTUSO

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 2 DAY
OF Oct, 1989.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 384-277 DIVISION "A" DOCKET NO.

ROY J. GATTUSO, VERINA SAVOY GATTUSO
and RONALD C. BRECHTEL

VERSUS

ROBIN REALTY, INC., A/K/A ROBIN TOWING CORPORATION
KENNETH S. LAMY, CLAIRE MORIN, WIFE OF/AND REGINALD G. FOSTER
and DOROTHY MALLINSON, WIFE OF/AND FREDERICK WILLIAM SIDMAN

FILED: October 11, 1989 CODED DEPUTY CLERK

ORDER

Let this amended and supplemental petition be filed according to law.

Let Robert G. Creely, Attorney at law, 901 Derbigny St, Gretna, La 70056 (address), be appointed Curator Ad Hoc to represent the absent and unrepresented defendants.

Let these executory proceedings be carried on in accordance with law.

Gretna, Louisiana, this 11th day of October, 1989.

CODED

JUDGE

ON MINUTES

OCT 11 1989

PLEASE SERVE NOTICE OF SEIZURE ON DEFENDANTS CLAIRE MORIN, WIFE OF/AND REGINALD G. FOSTER THROUGH THE ABOVE APPOINTED CURATOR AD HOC ALONG WITH NOTICE OF APPOINTMENT

Curator

10-11 1989

I, HEREBY CERTIFY THAT $200.00 COSTS INCURRED IN THIS MATTER HAVE BEEN PAID.

Deputy Clerk

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

38-43-27

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

COLONIAL MORTGAGE COMPANY

VS.

Plaintiff

USLYSSES A. WIRE, ET AL

Defendant

CHARLES H. RYAN

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. JULY 17, 1989 JL

HP Exhibit 0189 (37)

2892

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015

STATE OF LOUISIANA - PARISH OF JEFFERSON

TWENTY-FOURTH JUDICIAL DISTRICT COURT

COLONIAL MORTGAGE COMPANY

VS. NO. 384-327 A

ULYSSES A. WIRE, ET AL

FILED: _____

BY: _____
DEPUTY CLERK OF COURT

CODED

MOTION TO APPOINT ATTORNEY
TO REPRESENT ABSENTEES

NOW INTO COURT, through undersigned counsel, comes COLONIAL MORTGAGE COMPANY, Plaintiff in the above entitled and numbered proceedings, and respectfully represents that:

1.

The Sheriff has been unable to locate or serve the defendant(s), ULYSSES A. WIRE, in the Parish of Jefferson, or in the State of Louisiana and plaintiff is informed, believes and so pleads that said defendant(s) are non-resident(s) of the State of Louisiana, or in the alternative, that said defendant(s) are absentee(s) who have concealed themselves to avoid service of process, and further, that defendant(s) have not appointed an agent or legal representative to represent them in this state.

2.

The last known whereabouts of the defendant was 1117 Michael Street, Marrero, Louisiana 70072.

3.

It is necessary that an Attorney-at-Law be appointed by the court to represent the absentee defendant(s), to receive the notice of seizure on behalf of the absentee defendant(s).

WHEREFORE, PLAINTIFF PRAYS that an Attorney-at-Law be appointed to represent the absentee defendant(s) in these proceedings, and that said defendant(s), ULYSSES A. WIRE, be served with the notice of seizure and all other notices and

ISSUED not of appt w/notice
DATE SEP 21 1989
S/ M. LANDIX CODED
Clerk

384 327

citations required or permitted by law through said Attorney-at-Law in the manner and form provided by law; plaintiff further reiterates the prayers of the petition filed herein.

Respectfully submitted,

BOLES, BOLES AND RYAN, ATTORNEYS
1805 Tower Drive
P. O. Box 2065
Monroe, LA 71207-2065
Telephone: (318) 388-4050

BY: _____
Charles H. Ryan
Bar #11557

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, the undersigned legal authority in and for said Parish and State, personally came and appeared CHARLES H. RYAN, who first being duly sworn, did depose and say: That he is one of the attorneys for the plaintiff in the above and foregoing petition and that all of the allegations of fact contained therein are true and correct to the best of his knowledge, information and belief.

_____
Charles H. Ryan

SWORN TO AND SUBSCRIBED before me, Notary, on this 7th day of September, 1989.

_____
Notary Public

O R D E R

CONSIDERING THE FOREGOING MOTION,

IT IS ORDERED that Robert G. Cuccia, Attorney-at-Law be, and he is hereby appointed to represent the absentee defendant(s), ULYSSES A. WIRE, and that said defendant(s) be served through said Attorney-at-Law with the notice of seizure and all other notices and citations required or permitted by law.

Gretna, Louisiana, this 19th day of September, 1989.

GRANTED

_____
JUDGE, DISTRICT COURT

SEP 20 1989

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

38-62-73

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

PERMANENT

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Plaintiff

VS.

JOSEPH VINING AND ETHEL MACK VINING

Defendant

THOMAS J. BYRNE, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. AUG. 23, 1989 at

HP Exhibit 0189 (38)

2895

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100589 0747

89-0476

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 386,273 DIVISION "A"

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

JOSEPH VINING

AND

ETHEL MACK VINING

FILED: _____ _____
DEPUTY CLERK

CODED 2

MOTION TO APPOINT CURATOR

On motion of Federal National Mortgage Association, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Joseph Vining and Ethel Mack Vining, is unknown as appears from the Sheriff's return of the citation of file in these proceeding specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s) Joseph Vining and Ethel Mack Vining.

IT IS ORDERED BY THE COURT, that Robert D Creeby attorney at law be and he is hereby appointed curator ad hoc for defendant(s), Joseph Vining and Ethel Mack Vining in these proceedings and that the writ of seizure and sale be issued

ISSUED not. of appt w/ notice

DATE OCT 05 1989 CODED

S/ M. LANDIX

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100589 0943

herein and served upon said attorney at law.

Gretna, Louisiana, this 2nd day of October, 1987 CODED

JUDGE

ON MINUTES OCT 8 1987

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: _____

THOMAS J. BYRNE, JR.
Louisiana Bar Roll #17501
LINDA F. CLAUSEN
Louisiana Bar Roll #17934
JANE A. FAIA
Louisiana Bar Roll No. 16908
Attorney's for Plaintiff
601 Papworth Avenue - Suite 200
Metairie, LA 70005
(504) 831-7726

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

100539 0447

FILED
SEP 28 1989
DEPUTY CLERK

CODED

STATE OF LOUISIANA
PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared:

BEVERLY COGGINS

who, after being first duly sworn by me, Notary Public, did depose and state the she is the Collections Agent of J. I. Kislak Mortgage Corporation, the servicing agent for Federal National Mortgage Association, the plaintiff in the above and foregoing matter, that she has read said motion to appoint an attorney to represent absent defendant(s) and that all of the allegations set forth therein are true and correct.

Beverly Coggins
BEVERLY COGGINS

SWORN TO AND SUBSCRIBED
BEFORE ME, NOTARY, THIS
21 DAY OF SEPTEMBER, 1989

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

38-69-65

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VS. *Plaintiff*

ABDEL MOHSEN MOHAMED ELBAZ

Defendant

JEANNIE M. RANDAZZO

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. SEPTEMBER 6, 1989 JL

DIV. D
JUDGE
RONALD P. LOUMMET

3 6 9 6 5

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HP Exhibit 0189 (39)

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. O JUDGE RONALD P. LOUMIET

NO. 386-965 DIVISION "A"

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VS.

ABDEL MOHSEN MOHAMED ELBAZ

CODED-11

FILED: _____ _____ DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

The petition of Pelican Homestead and Savings Association, a savings and loan association organized and existing under the laws of the State of Louisiana, and domiciled in the Parish of Jefferson, appearing herein through the undersigned counsel, with respect represents that:

I.

Made defendant herein is Abdel Mohsen Mohamed Elbaz, a person of the full age of majority and domiciled in the State of Florida.

II.

On December 30, 1987, petitioner, Pelican Homestead and Savings Association, merged with and became the successor of Gulf Federal Savings and Loan Association. In accordance with La. Rev. Stat. §6:864, when the merger becomes effective, the separate existence of each constituent association ceases except for that of the surviving association and the surviving association possesses all the rights and privileges, and is invested with title to all property, rights, and actions whatever possessed by or belonging to each constituent association, including the right to proceed in this lawsuit.

Filed note & mortgage in vault SEP - 8 1989

CODED-11

III.

Gulf Federal Savings and Loan Association was originally chartered as Gulf Federal Savings and Loan Association of Jefferson Parish. Thereafter, the name was changed to Gulf Federal Savings Bank.

IV.

On or about November 21, 1986, the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Gulf Federal Savings Bank, and, on the same date, the Federal

Not of Appt. w/Ret.

DATE SEP - 8 1989

S/J. Saladino

Deputy Clerk

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Savings and Loan Insurance Corporation, as receiver for Gulf Federal Savings Bank, transferred substantially all of the assets of Gulf Federal Savings Bank to Gulf Federal Savings and Loan Association, all as more fully appears from the Act of Deposit which evidenced these occurrences. Said Act of Deposit is dated March 25, 1987, before Nadine Y. Penn, Notary Public, and two (2) competent witnesses who signed thereon. A certified copy of said Act of Deposit is attached hereto and made part hereof as Exhibit A.

V.

That, the said Abdel Mohsen Mohamed Elbaz is an absentee under Louisiana Code of Civil Procedure Article 5251 since he is a non-resident of this State. His last known address is 7220 Parker Road, No. 4, Jacksonville, Florida 32211. Therefore, it will be necessary to appoint an attorney at law to represent the absentee under Louisiana Code of Civil Procedure Article 2674.

VI.

Your petitioner, Pelican Homestead and Savings Association, is the holder and owner for a valuable consideration before maturity of a certain promissory note made and subscribed in Metairie, Louisiana, by Abdel Mohsen Mohamed Elbaz to the order of Gulf Federal Savings and Loan Association of Jefferson Parish in the original principal amount of ONE HUNDRED FORTY-FOUR THOUSAND EIGHT HUNDRED AND NO/100 ($144,800.00) DOLLARS, dated October 17, 1983, payable in installments as provided in said Note and stipulating to bear interest at the rate of thirteen (13%) percent per annum from date until paid. Said Note is secured by and paraphed "Ne Varietur" for identification with an Act of Mortgage passed before Marvin Opotowsky, Notary Public, dated October 17, 1983, in the amount of ONE HUNDRED FORTY-FOUR THOUSAND EIGHT HUNDRED AND NO/100 ($144,800.00) DOLLARS, recorded in the Parish of Jefferson in MOB 896, folio 390, wherein the said Abdel Mohsen Mohamed Elbaz executed a first mortgage in the presence of said Notary Public and two competent witnesses who signed thereon encumbering the following described property, to-wit:

> ONE CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all rights, ways, privileges, servitudes, appurtenances, and advantages

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thereunto belonging or in anywise appertaining situated in the Parish of Jefferson, State of Louisiana, in that part thereof known as Timber Ridge Subdivision, being a resubdivision of Parcels K and R of Lake Timberlane Estates Subdivision, per plan of J. J. Krebs & Sons, Inc., dated April 8, 1981, approved by the Jefferson Parish Council under Ordinance No. 14779 on June 24, 1981, recorded in COB 1007, folio 760, and according to said plan, said lot is designated and bounded as follows:

Lot 19, Square B, Timber Ridge Subdivision measures 64 feet front on Lac Bienville Drive, same width in the rear, by a depth of 140 feet between equal and parallel lines which square is bounded by Lac Bienville Drive, Lac St. Pierre Drive (side) Lac Couture Drive (side) and Lac Belle Drive (side). The property herein described measures and is in accordance with a survey by Felicien Perrin, Registered Land Surveyor, dated December 9, 1981, a copy of which is annexed hereto and made part hereof.

Being the same property acquired by Abdel Mohsen Mohamed Elbaz from Jeanne Ryals, wife of/and Patrick W. Fontenot by act before Marvin Opotowsky dated October 7, 1983, registered in COB _____, folio _____.

This property bears municipal address 4135 Lac Bienville Drive, Harvey, Louisiana 70058.

VII.

Petitioner attaches hereto as Exhibits B and C respectively and makes a part hereof a certified copy of the aforesaid Act of Mortgage and the original of the Note identified therewith.

VIII.

That, as shown by the Authentic Act of Transfer of Note attached hereto and made part hereof as Exhibit D, Gulf Federal Savings Bank pledged the above-referenced Note to the Federal Home Loan Bank of Dallas on January 30, 1985. That the Federal Home Loan Bank of Dallas transferred the Note back to Gulf Federal Savings Bank on August 11, 1985. That, as further shown by Exhibit D, Gulf Federal Savings Bank again pledged the above-referenced Note to the Federal Home Loan Bank of Dallas, on February 27, 1986. That, pursuant to the Certified Copy of Notarial Endorsement attached hereto and made part hereof as Exhibit E, the Federal Home Loan Bank of Dallas transferred the Note back to Pelican Homestead and Savings Association on February 24, 1989.

IX.

That, by said Act of Mortgage, petitioner retained a first mortgage lien and privilege on the property, and the defendant granted a special mortgage under the "pact de non alienando" upon said property to secure the payment of said Note, with interest, attorney's fees, late charges, advances and other charges, as will be hereinafter set forth.

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X.

That, under the aforedescribed Act, the said defendant confessed judgment upon said Note and consented that if said Note were not paid in accordance with the terms and conditions of said Act of Mortgage dated October 17, 1983, the mortgaged property might be seized and sold by Executory Process, for cash, to the highest bidder with or without appraisement at the option of the petitioner.

XI.

That, by said Act, the said Abdel Mohsen Mohamed Elbaz obligated himself in case it became necessary to institute legal proceedings for the recovery of the amount of said Note, or any portion thereof, to pay the fees of the attorney at law employed for that purpose, which fees are fixed by the terms of said Act of Mortgage at twenty-five (25%) percent of the total amount sued upon, which amount is reasonable in light of the amount of legal expertise and time expended to obtain the satisfaction of this debt.

XII.

That, by the terms of said Act, it was stipulated that should Abdel Mohsen Mohamed Elbaz violate any of the conditions of the Act or fail to promptly perform any obligations thereunder, or fail to make any payment due petitioner, the said petitioner may, at its option, after notice as provided in said Act, declare the entire balance due by the defendant to the petitioner or any holder or holders of the said Note immediately due, exigible and payable, together with all interest, attorney's fees, late charges, advances and all other expenses and charges.

XIII.

That, by the terms of said Act, it was stipulated that should the defendant fail to pay any taxes or insurance premiums affecting the subject property, when due, that the holder of the Note, at its option, may pay such taxes and insurance premiums as they become due, and such advance shall become an additional indebtedness secured by the mortgage given in the aforesaid Act and shall bear interest at the same rate as the principal debt from the date of disbursement until paid.

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XIV.

That, in accordance with said Act, the said defendant obligated himself to pay a late charge fee of five (5%) percent of any monthly installment of principal and interest not received by the petitioner within fifteen (15) days after such installment is due.

XV.

That, the said Abdel Mohsen Mohamed Elbaz is more than thirteen (13) weeks in arrears in his payments, the last payment having been made through October 31, 1988.

XVI.

That, in accordance with the terms of the Note and Act of Mortgage, the Note is in default as it is past due and exigible as to principal, interest, late charges and attorney's fees and remains unpaid, notwithstanding formal notice of delinquency and notice of acceleration, within the time limits set forth in said Act, as outlined in the Authentic Act of Notice of Delinquency and Acceleration attached hereto and made a part hereof as Exhibit F.

XVII.

Now, by Affidavit and Certificate of Amount Due attached as Exhibit G, petitioner shows that there is a balance due of ONE HUNDRED FORTY-ONE THOUSAND ELEVEN AND 26/100 ($141,011.26) DOLLARS, together with interest at the rate of thirteen (13%) percent per annum from November 1, 1988 until paid, plus any amounts advanced for the payment of taxes and insurance, together with interest at the rate of thirteen (13%) percent per annum from the date of disbursement until paid, together with late charges and attorney's fees in the amount of twenty-five (25%) percent on the whole of said indebtedness.

XVIII.

That, by the terms of said Act, the defendant waived demand for payment.

XIX.

That, by the terms of the Act of Mortgage, as well as La. Rev. Stat. §6:824(D)(3) and/or La. Rev. Stat. §9:5136, et seq., the petitioner may, at its option and without security, appoint itself or an agent as keeper or receiver to enter upon, take possession of, and manage the property,

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and to collect the rents of the property, including those past due. The said petitioner, Pelican Homestead and Savings Association, wishes to exercise its right to appoint itself or an agent as receiver of the above-referenced property.

XX.

Petitioner desires that the hereinabove described property be seized and sold with benefit of appraisement, on terms of ten (10%) percent cash down with the balance in cash within thirty (30) days of the sheriff's sale, according to law.

WHEREFORE, premises and the attached documents and authentic evidence being considered, petitioner prays:

(1) That, an attorney at law be appointed to represent the absentee, Abdel Mohsen Mohamed Elbaz;

(2) That Pelican Homestead and Savings Association, or its agent, be appointed receiver, without security, to enter upon, take possession of, and manage the property, and to collect the rents of the property, including those past due;

(3) That, a writ of seizure and sale issue herein, directing the Sheriff for the Parish of Jefferson to seize and, after due delays, requisites and formalities, save those expressly waived in the Act of Mortgage, to sell, on terms of ten (10%) percent cash down with the balance in cash within thirty (30) days of the sheriff's sale, the property hereinabove described, with benefit of appraisement, according to law;

(4) That, out of the proceeds of said sale, petitioner, Pelican Homestead and Savings Association, be paid the sum of ONE HUNDRED FORTY-ONE THOUSAND ELEVEN AND 26/100 ($141,011.26) DOLLARS, together with interest at a rate of thirteen (13%) percent per annum from November 1, 1988 until paid, as well as any amounts advanced for the payment of taxes and insurance, together with interest at a rate of thirteen (13%) percent per annum from the date of disbursement until paid, plus late charges and twenty-five (25%) percent attorney's fees on the entire indebtedness, and for all costs of these proceedings;

(5) That, petitioner, Pelican Homestead and Savings Association, be paid the amount of the aforesaid claim with preference and priority over all other persons whomsoever; and

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(6) For all general and equitable relief.

BALDWIN & HASPEL:

JEANNIE M. RANDAZZO (Bar #11101)
JANET D. DILZELL (Bar #14217)
LANCE J. ARNOLD (Bar #18768)

BY: Jeannie M Randazzo
Attorneys for Petitioner
2121 Airline Highway
5th Floor
Metairie, LA 70001
(504) 836-8480

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A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
R. Dennis
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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EXHIBIT "D"

AUTHENTIC ACT OF
TRANSFER OF NOTE

UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF JEFFERSON

FILED
SEP 1989

BE IT KNOWN, that on this 14th day of August, 1989,

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the aforesaid Parish and State, and in the presence of the witnesses hereinafter named and undersigned,

PERSONALLY CAME AND APPEARED:

ARTHUR J. KEENAN, JR.,

who, after being duly sworn, did depose and say:

That he is the Executive Vice President in Charge of Special Assets of Pelican Homestead and Savings Association. That, in that capacity he has within his control all of the books and records of the said Pelican Homestead and Savings Association as well as those of its constituent associations. That, on December 30, 1987, Pelican Homestead and Savings Association merged with and became the successor of Gulf Federal Savings and Loan Association, formerly known as Gulf Federal Savings Bank and more formerly known as Gulf Federal Savings and Loan Association of Jefferson Parish.

That in his capacity as Executive Vice President in Charge of Special Assets, he is familiar with that certain promissory note and mortgage dated October 17, 1983 in the original principal amount of ONE HUNDRED FORTY-FOUR THOUSAND EIGHT HUNDRED AND NO/100 ($144,800.00) DOLLARS, whereby Abdel Mohsen Mohamed Elbaz, as borrower, granted a mortgage on the property located at 4135 Lac Bienville Drive, Harvey, Louisiana, 70058, to Gulf Federal Savings and Loan Association of Jefferson Parish.

That, according to the books and records of Pelican Homestead and Savings Association, Gulf Federal Savings Bank, pledged the above referenced promissory note to the Federal Home Loan Bank of Dallas, as evidenced by the endorsement on the promissory note dated January 30, 1985. That, on August 11, 1985, the Federal Home Loan Bank of Dallas transferred back to Gulf Federal Savings Bank the said promissory note.

This transfer is evidenced by the endorsement on the promissory note dated August 11, 1985.

That, according to the books and records of Pelican Homestead and Savings Association, Gulf Federal Savings Bank, again pledged the above referenced promissory note to the Federal Home Loan Bank of Dallas, as evidenced by the Endorsement on the promissory note dated February 27, 1986. That, on February 24, 1989, the Federal Home Loan Bank of Dallas transferred back to Pelican Homestead and Savings Association the said promissory note. This transfer is evidenced by the endorsement on the Promissory Note dated February 24, 1989 and also an Act of Notarial Endorsement, Exhibit D, which is attached hereto and made part hereof.

THUS DONE AND PASSED in my office in Metairie, Louisiana, on the day, month and year hereinabove first written, and in the presence of the undersigned competent witnesses, who hereunto sign their names with the said Appearer and me, Notary, after due reading of the whole.

WITNESSES:

Agatha X. Gutierrez

Lola J. Beckham

Arthur J. Keenan Jr.
ARTHUR J. KEENAN, JR.
EXECUTIVE VICE PRESIDENT
IN CHARGE OF SPECIAL ASSETS

Janet D. Tidyll
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
R. Hann
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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FILED
SEP 6 1989
CLERK

EXHIBIT "E"
CERTIFICATION

STATE OF LOUISIANA
PARISH OF JEFFERSON

Metairie, Louisiana
Aug. 14, 1989

I, JEANNIE M. RANDAZZO, Notary Public for the Parish of Jefferson, State of Louisiana, do hereby certify that the attached document is a true and correct copy of a Notarial Endorsement, dated the 24th day of February, 1989, consisting of one (1) page, executed before Sara Vazquez, a Notary Public for the State of Texas, the original or certified copy of which document is on file in my office.

Jeannie M. Randazzo
JEANNIE M. RANDAZZO
BALDWIN & HASPEL
2121 Airline Highway
5th Floor
Metairie, LA 70001
(504) 836-8480

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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FOR RETURN OF MORTGAGE NOTE

ASSOCIATION Pelican Homestead and Savings Association DATE 02-17-89

ADDRESS 2121 Airline Highway (Street) DOCKET 3584

(including Parish) Metairie, La. 70001-5981 (Jefferson) (City/State)

TRANSFEROR:

FEDERAL HOME LOAN BANK OF DALLAS
500 EAST JOHN CARPENTER FREEWAY
IRVING, TEXAS 75062

3433

FILED
SEP 6 1989
DEPUTY CLERK

NOTE INFORMATION:

LOAN NUMBER: 49-17003202

DATE: October 17, 1983

ORIGINAL AMOUNT: $104,800.00

MAKER: Abdel Mohsen Mohamed Elbaz

PAYEE: Gulf Federal Savings and Loan Association

Note and lien are described in the following mortgage to which instrument, as so recorded, reference is here made for all purposes:

DATE: October 17, 1983

MORTGAGOR: Abdel Mohsen Mohamed Elbaz

MORTGAGOR:

MORTGAGEE: Pelican Homestead and Savings Association

MORTGAGEE: formerly Gulf Federal Savings and Loan Association

RECORDED IN MOB 896 FOLIO 390

PARISH Jefferson STATE LA.

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

NOTARIAL ENDORSEMENT

BE IT KNOWN, that on this February 24, 1989, before me, the undersigned notary public and the two undersigned witnesses personally came and appeared Transferor, who declared that Transferor hereby transfers the Note and Lien to Member, and to evidence said transfer Transferor has endorsed the Note to Member's order or to Bearer. The Note has been paraphed "Ne Varietur" by me, Notary, for identification with this act of Transfer of Note and Lien.

THUS DONE AND PASSED, in Dallas, Texas, on the date first written, in the presence of the undersigned witnesses who have signed their names with Transferor and me, Notary, after due reading of the whole.

WITNESSES: *

Laura Campbell

Jerri Savage

FEDERAL HOME LOAN BANK OF DALLAS

BY: Jan Williams
JAN WILLIAMS
VAULT OPERATIONS SUPERVISOR

NOTARY PUBLIC

SARA VAZQUEZ
Notary Public, State of Texas
My Commission Expires 11-16-1992

* The witnesses must be persons other than the Holder or the Notary Public.

CRF/ 7102

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EXHIBIT "F"

	*	UNITED STATES OF AMERICA
AUTHENTIC ACT OF NOTICE OF DELINQUENCY AND ACCELERATION	*	STATE OF LOUISIANA
* * * * * * * *		PARISH OF JEFFERSON

BE IT KNOWN, that on this 14th day of August, 1989,

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the State and Parish aforesaid, and in the presence of the witnesses hereinafter named and undersigned,

PERSONALLY CAME AND APPEARED:

JEANNIE M. RANDAZZO, Attorney with the law firm of Baldwin & Haspel and Attorney for Pelican Homestead and Savings Association,

who, after being duly sworn, did depose and say:

That she is familiar with that certain promissory note and mortgage dated October 17, 1983, in the original principal amount of ONE HUNDRED FORTY-FOUR THOUSAND EIGHT HUNDRED AND NO/100 ($144,800.00) DOLLARS, whereby Abdel Mohsen Mohamed Elbaz, as borrower, granted a mortgage on the property located at 4135 Lac Bienville Drive, Harvey, Louisiana 70058, to Gulf Federal Savings and Loan Association of Jefferson Parish, now Pelican Homestead and Savings Association.

On March 2, 1989, she, Jeannie M. Randazzo, on behalf of Pelican Homestead and Savings Association, mailed a notice by certified mail, return receipt requested in accordance with the mortgage, to Abdel Mohsen Mohamed Elbaz, the borrower, at the property address, 4135 Lac Bienville Drive, Apartment "C", Harvey, Louisiana 70058, which letter read as follows:

> Please be advised that this office represents Pelican Homestead and Savings Association, successor by merger with Gulf Federal Savings and Loan Association of Jefferson Parish, in connection with the above-referenced loan. Pelican Homestead's records show that your mortgage loan account is now four (4) months in arrears and must be brought current.
>
> Please submit a certified check in the amount of $8,837.70, covering five (5) monthly payments of $1,588.98 each, four (4) late charges of $79.45 each, $500.00 in attorney's fees and $75.00 in certificates and notarial costs. Payments received after the 15th of the month will result in an additional late charge of $79.45.
>
> Failure to bring your account current by April 6, 1989, at which time you will owe six (6) payments, five (5) late charges, attorney's fees and costs totalling $10,506.13, will result in the acceleration of your loan by our office declaring the full amount of your debt due and payable, and the institution of a sale of your property. Should we elect to foreclose on your property, you have the right to reinstate your mortgage after acceleration pursuant to those terms contained in Paragraph No. 18 of your Act of Mortgage. Additionally, you have the right to contest

the existence of a default as well as the right to assert any other defenses to the acceleration and foreclosure.

Additionally, unless you notify this office within thirty (30) days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within thirty (30) days after receiving this notice, this office will obtain verification of the debt and mail you a copy of such verification. If you request this office in writing within thirty (30) days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor. Even if you request verification of this debt, we reserve our right to institute judicial proceedings at any time.

If your account is not brought current this month, we must receive payment of $10,506.13 no later than 4:00 p.m. on April 6, 1989, to avoid Pelican Homestead electing to pursue the legal action described above.

Should you have any questions concerning this matter please do not hesitate to call our office at any time.

The breach was not cured within the time specified in the notice of delinquency, and Jeannie M. Randazzo, Attorney, on behalf of Pelican Homestead and Savings Association, sent a letter by certified mail, return receipt requested to Abdel Mohsen Mohamed Elbaz on April 7, 1989, which letter read as follows:

Please be advised that the above-referenced mortgage has been accelerated, and all principal, interest, late charges, advances and costs are now due.

Please forward all further correspondence to this office.

THUS DONE AND PASSED, in my office at Metairie, Louisiana, on the day, month and year hereinabove first written, in the presence of the two undersigned competent witnesses who hereunto sign their names with the said Appearers and me, Notary, after due reading of the whole.

WITNESSES:

Jeannie M. Randazzo
JEANNIE M. RANDAZZO

Janet O. Oliver
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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EXHIBIT "G"
AFFIDAVIT AND CERTIFICATE OF AMOUNT DUE

STATE OF LOUISIANA

PARISH OF JEFFERSON

BE IT KNOWN, that on this 14th day of August, in the year of our Lord one thousand nine hundred and eighty-nine,

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the aforesaid Parish and State, and in the presence of the witnesses hereinafter named and undersigned:

PERSONALLY CAME AND APPEARED:

ARTHUR J. KEENAN, JR.,

who, after being duly sworn, did depose and say:

That he is the Executive Vice President in Charge of Special Assets of the Pelican Homestead and Savings Association. That he is familiar with that certain promissory note and mortgage dated October 17, 1983, in the original principal amount of ONE HUNDRED FORTY-FOUR THOUSAND EIGHT HUNDRED AND NO/100 ($144,800.00) DOLLARS, whereby Abdel Mohsen Mohamed Elbaz, as borrower, granted a mortgage on the property located at 4135 Lac Bienville Drive, Harvey, Louisiana 70058, to the Gulf Federal Savings and Loan Association of Jefferson Parish, now Pelican Homestead and Savings Association. That he does hereby certify on behalf of said association that the defendant is more than thirteen (13) weeks in arrears on the hereinabove described loan.

That the balance due on the aforesaid note is ONE HUNDRED FORTY-ONE THOUSAND ELEVEN AND 26/100 ($141,011.26) DOLLARS, together with interest at a rate of thirteen (13%) percent per annum from November 1, 1988 until paid, as well as any amounts advanced for the payment of taxes and insurance, together with interest at a rate of thirteen (13%) percent per annum from the date of disbursement until paid, plus late charges and twenty-five (25%) percent attorney's fees on the entire indebtedness. That all of said facts lie within his personal knowledge in his capacity as Executive Vice President in Charge of Special Assets and are true and correct to the best of his knowledge and belief.

THUS DONE AND PASSED in my office in Metairie, Louisiana, on the day, month and year hereinabove first written, and in the presence of

the undersigned competent witnesses, who hereunto sign their names with the said Appearer and me, Notary, after due reading of the whole.

WITNESSES:

Agatha X. Butling

Lola L. Beckham

Arthur J. Keenan Jr.
ARTHUR J. KEENAN, JR.
EXECUTIVE VICE PRESIDENT
IN CHARGE OF SPECIAL ASSETS

Janet O. Duffel
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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VERIFICATION

STATE OF LOUISIANA

PARISH OF JEFFERSON

BE IT KNOWN, that on this 14th day of August, in the year of our Lord one thousand nine hundred and eighty-nine,

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the aforesaid Parish and State, and in the presence of the witnesses hereinafter named and undersigned:

PERSONALLY CAME AND APPEARED:

ARTHUR J. KEENAN, JR.,

who, after being first duly sworn, did depose and say:

That he is Executive Vice President in Charge of Special Assets of the Pelican Homestead and Savings Association, the petitioner in the above and foregoing petition; that he has read the petition and all exhibits attached thereto and re-avers all facts contained therein as if said facts were reproduced in full. That, all of said facts lie within his personal knowledge in his capacity as Executive Vice President in Charge of Special Assets and are true and correct to the best of his knowledge and belief.

THUS DONE AND PASSED in my office in Metairie, Louisiana, on the day, month and year hereinabove first written, and in the presence of the undersigned competent witnesses, who hereunto sign their names with the said Appearer and me, Notary, after due reading of the whole.

WITNESSES:

Agatha K. Gutierrez

Lela L. Beckham

Arthur J. Keenan Jr.
ARTHUR J. KEENAN, JR.
EXECUTIVE VICE PRESIDENT
IN CHARGE OF SPECIAL ASSETS

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Janet D. Dugell
NOTARY PUBLIC

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. DIVISION " "

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VS.

ABDEL MOHSEN MOHAMED ELBAZ

FILED: _____ _____
DEPUTY CLERK

CODED-11

ORDER

Considering the above and foregoing petition, let Robert Creely be appointed to represent the absentee defendant, Abdel Mohsen Mohamed Elbaz, in accordance with Louisiana Code of Civil Procedure Article 2674; let petitioner, Pelican Homestead and Savings Association, or its agent, be appointed receiver, without security, to enter upon, take possession of, and manage the property, and to collect the rents of the property, including those past due; and let a Writ of Seizure and Sale issue herein all as prayed for and according to law.

Gretna, Louisiana, this 6th day of September, 1989.

JUDGE

CODED-11

PLEASE SERVE
NOTICE OF SEIZURE and
NOTICE TO APPOINT APPRAISER
ON THE ATTORNEY AT LAW
APPOINTED TO REPRESENT THE ABSENTEE
ABDEL MOHSEN MOHAMED ELBAZ:

Robert Creely
901 Derbigny
Gretna La 70053

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

EPE4/1

386 965

KU

DIV. K

JUDGE
DIV ALVIN RUDY EASON

Nº 388308

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

MERITOR MORTGAGE CORPORATION EAST

Plaintiff

VS.

CINDY BASS, OC/NAD GEORGE ERIC NICHOLSON

Defendant

CHARLES J. NUNEZ

Attorney for Plaintiff

Attorney for Defendant

Date of Filing SETPEMBER 29, 1989 JL

HP Exhibit 0189 (40)

2917

185

DIV. K
JUDGE
ALVIN RUDY EASON

TWENTY-FOURTH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER: 388-308

DIVISION "

MERITOR MORTGAGE CORPORATION EAST

VERSUS

CINDY BASS, wife of/and GEORGE ERIC NICHOLSON

FILED: _____ DEPUTY CLERK

CODED - 11

PETITION TO ENFORCE
MORTGAGE BY ORDINARY PROCESS

The petition of Meritor Mortgage Corporation East, domiciled in the Commonwealth of Pennsylvania, County of Philadelphia, with respect represents:

I.

The defendants, Cindy Bass, wife of/and George Eric Nicholson, who were domiciled in the Parish of Jefferson, and on information and belief believed to be residents of the State of Georgia, are both persons of the full age of majority.

II.

Plaintiff is the holder of a promissory note in the original amount of FIFTY NINE THOUSAND THREE HUNDRED FIFTY AND NO/100 ($59,300.00) DOLLARS, a copy of which is attached hereto as Exhibit P-1, which note was executed on October 30, 1981, by the defendants, payable to the order of First National Mortgage Corporation, bearing interest at the rate of twelve (12%) per cent per annum.

III.

The attached note was paraphed by Sidney F. Rothschild, Notary Public, to identify with an Act of Mortgage executed on October 31, 1981, a copy of which mortgage is attached hereto as Exhibit P-2. In this authentic act, which is recorded in the mortgage records of Jefferson Parish, the defendants, Cindy Bass, wife of/and George Eric Nicholson, granted a mortgage in favor of First National Mortgage Corporation and any future holder or holders of the attached note upon the following described immovable property, to-wit:

ISSUED
DATE OCT 10
S/ M. ROJAS
DEPUTY CLERK

388-308

ON MINUTES
OCT 6 1989

0 1 9 3 9 0 7 4 5

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part thereof known as JACQUELINE COURT SUBDIVISION, and according to plan of resubdivision made by Lucien C. Gassen, Land Surveyor, dated September 24, 1980, approved by Ord. No. 1645, adopted by the Board of Alderman of the City of Gretna, on November 3, 1980, a copy of which is registered in COB 992, folio 484, and according to which said lot is designated as follows:

LOT 16-B of Square 5, which square is bounded by Ravenna Street, Sallye Ann Street, Jacqueline Street, west boundary of the subdivision, the north boundary of the subdivision and the east boundary of the subdivision and Verret Canal. Lot 16-B commences at a distance of 549.25' from the intersection of Ravenna Street and Verret Canal and measures 28 feet front on Ravenna Street, same width in the rear, by a depth of 180 feet between equal and parallel lines. All in accordance with survey of James H. Couturie, L.S., dated 10/26/1981.

Improvements thereon bear the Municpal No. 20-B Ravenna Street, Gretna, Louisiana 70053.

IV.

The Act of Mortgage provided that the failure of the defendants to pay the principal or any installment of interest when due would cause the entire balance due on the attached note in principal, interest, and attorney's fees to mature immediately and become due and payable.

V.

The Act of Mortgage provides for an attorney's fee of 10% of the sums due under the note, should the note and mortgage be placed in the hands of an attorney for collection.

VI.

The note sued upon hereon is due for the months of February through December, 1986; January through December, 1987; January through December, 1988; and, January through August, 1989.

VII.

Plaintiff avers that the current balances are:

1.	Unpaid principal balance	$58,254.75
2.	Accrued interest from 02/01/86 through 08/31/89 ($19.41 per diem)	25,368.87
3.	Interest from 09/01/89 until paid	To Be Computed
4.	Late charges - 43 at $26.58 each	1,142.94
5.	Escrow - 43 at $54.09 each	2,325.87
6.	Attorney's fee as specified in the Act of Mortgage	To be Computed
7.	All costs of these proceedings	To Be Computed

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VIII.

The amount demanded herein has not been paid despite amicable demand for payment. Annexed hereto and made a part hereof is a copy of the demand letter dated November 13, 1986, addressed to George E. Nicholson and Cindy Bass Nicholson, which letter is marked for identification as Exhibit P-3.

XVI.

Petitioner avers that the debtors, Cindy Bass, wife of/and George Eric Nicholson, have vacated the premises being foreclosed upon in these proceedings and on information and belief, said debtors have moved to the State of Georgia, and are therefore non-residents of the State of Louisiana. Pursuant to the Louisiana Code of Civil Procedure, petitioner is entitled to have a Curator Ad Hoc apppointed to represent the non-resident defendants.

WHEREFORE, plaintiff, Meritor Mortgage Corporation East, prays:

1. For Judgment against the defendants, Cindy Bass, wife of/and George Eric Nicholson, in the principal amount of $58,254.75, with accrued interest of $25,368.87, an attorney's fee of 10% of principal and interest due, plus late charges of $1,142.94, and interest at the rate of $19.41 per day from September 1, 1989, until paid, and all costs of these proceedings;
2. For Judgment recognizing and maintaining plaintiff's mortgage on the immovable property described in Paragraph III of this Petition.
3. This Court appoint a Curator Ad Hoc to represent Cindy Bass, wife of/and George Eric Nicholson, non-resident defendants.

NUNEZ & NUNEZ
317 Magazine Street
New Orleans, Louisiana 70130
504(525-2022)

BY: Charles J. Nunez
CHARLES J. NUNEZ
Attorney for
Meritor Mortgage Corporation East

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

01 3 9 9 0 7 1 8

FILED
OCT 4 1989
DEPUTY CLERK

ORDER

IT IS ORDERED that Robert Creely be and is hereby appointed to represent the absentee defendants, Cindy Bass, wife of/and George Eric Nicholson, and that said defendants be served through said Attorney at Law with the petition, service and all notices and citations required or permitted by law.

Gretna, Louisiana, this 4th day of October, 1989.

ON MINUTES
OCT 6 1989

JUDGE

SHERIFF, PLEASE
SERVE DEFENDANTS:

Cindy Bass, wife of/and
George Eric Nicholson
through their duly court
appointed Curator Ad Hoc.

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

388-308

DIV. A

JUDGE
E. THOMAS PORTEOUS, JR.

DIV

№ 390233

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

SOVAN MORTGAGE CORPORATION

VS. *Plaintiff*

MARY MURRAY WIFE OF/AND RAYMOND D. FOLEY AND ALICE SQUARTSOFF, ET AL

Defendant

WILLIAM L. DOWNING *Attorney for Plaintiff*

Attorney for Defendant

Date of Filing NOVEMBER 8, 1989 JL

PERMANENT

2922

HP Exhibit 0189 (41)

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DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

CODED

390239

SOVRAN MORTGAGE CORPORATION

DOCKET NO_____ DIV_____

24TH JUDICIAL DIST. COURT

VS.

PARISH OF JEFFERSON

MARY MURRAY WIFE OF/AND RAYMOND D. FOLEY AND ALICIA SQUARTSOFF WIFE OF/AND JOHN A. DAIGLE

STATE OF LOUISIANA

CODED

PETITION FOR MORTGAGE FORECLOSURE BY EXECUTORY PROCESS WITH APPRAISAL AND WITHOUT 3-DAY DEMAND

The petition of Sovran Mortgage Corporation, domiciled in the state of Virginia, respectfully represents that:

1.

Made defendants herein are MARY MURRAY WIFE OF/AND RAYMOND D. FOLEY AND ALICIA SQUARTSOFF WIFE OF/AND JOHN A. DAIGLE.

2.

Plaintiff is the holder in due course of one certain promissory note ("Note" or "Mortgage Note"), executed by John A. Daigle and Alicia Squartsoff Daigle (and assumed by Raymond D. Foley and Mary Murray Foley), to the order of BEARER, in the face amount of Sixty Thousand Five Hundred and NO/100 Dollars ($60,500.00), payable in monthly installments of Five Hundred Ninety-nine and 56/100 Dollars ($599.56) each, beginning on December 1, 1979, with installments due on the first day of each successive calendar month thereafter, and stipulating 11.50% per annum interest on the unpaid balance. This original Note is attached as an exhibit.

PERMANENT

CODED

NOV 13 1989

file note & mortgage in vault mf

3.

The Mortgage Note was paraphed "Ne Varietur" by Leonard M. Berins, Notary Public, on October 29, 1979, to identify it with an Act of Mortgage ("Act of Mortgage"), executed on the same day by the maker(s) of the Mortgage Note, in the same sum as the Mortgage Note, to secure the payment of the Mortgage Note, mortgaging the hereinafter described property.

ISSUED Not of appt w/mt

DATE 11-13-89

CODED 390-239

M Landis
Deputy Clerk

a.

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4.

The Act of Mortgage was duly recorded in the Mortgage Records of the Parish of Jefferson, Louisiana at MOB 780, Folio 614, of the Official Records of that Parish. A certified copy of the Act of Mortgage is attached as an exhibit.

5.

The property mortgaged in the Act of Mortgage is described as follows:

A CERTAIN PIECE OR PORTION OF GROUND, together with all buildings and improvements thereon, and all rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the PARISH OF JEFFERSON, STATE OF LOUISIANA, in Township 14 South, Ranges 23 and 24 East, Southeastern Land District of Louisiana, West of the Mississippi River, known as Harvey Canal Property, designated as Parcel P-2-A-2-A, all per plan of resubdivision by J. J. Krebs & Sons, Inc.,C.E. & S., May 15, 1973, revised 2-26-73, 4-11-74, 5-5-75, 12-29-75 and 10-19-76 and approved by Jefferson Parish Council by Ord. No. 12617, adopted November 18, 1976 recorded in COB 879, folio 409, and which was subdivided into that part now known as WOODMERE SUBDIVISION, SECTION 5, per plan of resubdivision by J.J. Krebs & Sons, Inc. C.E. & S., October 19, 1976 and October 21, 1976, approved by Jefferson Parish Council Ord. No. 12617, recorded in COB 879, folio 409, and Act of Dedication before Odom B. Heebe, Notary Public, 12-21-76, in COB 880, folio 822, further described as follows:

LOT 1393, SQUARE "LL", which Square is bounded by Redbud Lane, Woodmere Boulevard, Deercreek Lane (side) and Alex Kornman Blvd. (side), and the said Lot commences at a distance of 422.43 feet from the corner of Woodmere Boulevard and Redbud Lane and measures thence 60.00 feet front on Redbud Lane, same in width in the rear, by a dept of 100.00 feet between equal and parallel lines, per survey of R.L. Schumann & Associates, dated October 22, 1979, a copy of which is attached to the Act of Mortgage recorded at MOB 780, Folio 614, Official Records of the Parish of Jefferson, Louisiana.

6.

The reverse of the above described note bears a "voided" endorsement by Engel Mortgage Company, Inc. to Federal National Mortgage Association. In truth and in fact, Federal National Mortgage Association has never acquired said promissory note and does not have and has never had any interest in said promissory note, and the said promissory note was endorsed to Federal National Mortgage Association in error, all as evidenced by the affidavit of Robert D. Steele, Jr., Vice President for Sovran Mortgage Corporation servicer for Federal National Mortgage Association, which is attached as an exhibit. Accordingly, the "voided" endorsement should be disregarded and should be treated as of no effect whatsoever.

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7.

On January 2, 1985, the holder of the Mortgage Note, Amsouth Mortgage Company Inc. f/k/a Engel Mortgage Company, Inc., represented by Diane Spears, Assistant Vice President, executed an Act of Notarial Endorsement and Assignment of the Mortgage Note before Jean B. Turley, Notary Public, for the State of Alabama, County of Jefferson, assigning, selling and delivering the Mortgage Note to Sovran Mortgage Corporation, and the said Notary paraphed the Mortgage Note to identify it with this Act of Assignment, the original or a certified copy of which is attached as an exhibit.

8.

The Mortgage Note was then endorsed to the order of Sovran Mortgage Corporation by Amsouth Mortgage Company f/k/a Engel Mortgage Company, Inc.

9.

On January 30, 1989, the property described herein was sold to Raymond D. Foley and Mary Murray Foley, who assumed the mortgage herein foreclosed upon and agreed to hold the seller(s) free from any and all liability thereon, said Act of Sale with Assumption being recorded at MOB 2449, Folio 240, Official Records of the Parish of Jefferson, Louisiana. A certified copy of this Act of Sale with Assumption is attached as an exhibit.

10.

The Mortgage Note is subject to credits paid on the principal in the total sum of Three Thousand Nine Hundred Forty and 34/100 Dollars ($3,940.34), leaving an unpaid balance due on it in the sum of Fifty-six Thousand Five Hundred Fifty-nine and 66/100 Dollars ($56,559.66), with interest paid and credited to March 1, 1989.

11.

The Act of Mortgage and Mortgage Note provide that if any deficiency in the payment of any installment under the note is not made good prior to the due date of the next such installment, the entire principal sum, interest, advances for the care and preservation of the property, and attorney's fees shall

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at once become due at the option of the holder of the Mortgage Note without notice, demand, or putting in default.

12.

The Note is in default beginning with the payment which was due April 1, 1989, and in accordance with the terms of the Mortgage Note, plaintiff has exercised and does hereby exercise its option to declare the entire principal sum, interest, advances for the care and preservation of the property, and attorney's fees due and payable. The defendant(s) are therefore indebted to plaintiff in the full sum of Fifty-six Thousand Five Hundred Fifty-nine and 66/100 Dollars ($56,559.66), with 11.50% per annum interest thereon from March 1, 1989 until paid, plus reasonable attorney's fees of 10% additional on both principal and interest.

13.

This amount is past due and remains unpaid despite amicable demand.

14.

The Act of Mortgage is evidenced by an authentic act importing a confession of judgment for the entire amount due plaintiff as set forth above.

15.

Plaintiff desires to have the mortgaged property sold with appraisal.

16.

The three day notice to pay was waived in the Act of Mortgage and/or Mortgage Note.

17.

Under the provisions of Louisiana Revised Statutes 13:4359, plaintiff demands that 100% of the purchase price shall be paid in cash at the moment of adjudication.

18.

Defendant(s) John A. Daigle and Alicia Squartsoff Daigle is (are) an absentee (absentees) from the State of Louisiana, their last known address being 437 Plantation Road,

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Rock Hill, South Carolina 29730, and it is necessary that an attorney ad hoc be appointed to represent said defendant(s) in these proceedings, against whom all proceedings herein should be carried on.

WHEREFORE, the annexed exhibits considered, plaintiff respectfully prays that:

I.

An attorney ad hoc be appointed to represent the defendant(s) John A. Daigle and Alicia Squartsoff Daigle and that all further proceedings be carried on contradictorily against said attorney ad hoc.

II.

The Court order the issuance of a writ of seizure and sale directed to the Sheriff of Jefferson Parish, Louisiana, commanding him to seize the mortgaged property described in the petition, without 3-day demand (the same having been waived in the Act of Mortgage), and to sell it in accordance with all of the requirements of law, at public auction, for 100% cash at the moment of adjudication, with appraisal, to the highest bidder.

III.

Out of the proceeds of this sale plaintiff be paid by preference and priority over all other persons and creditors whomsoever, the full amount herein claimed, as follows:

Balance due on principal of Mortgage Note	$56,559.66
11.50% per annum interest thereon from March 1, 1989 until paid	To be computed
Attorney's fees - 10% of principal and interest	To be computed
Advances for insurance, taxes, and care and preservation of the property	To be computed

All costs.

By Attorney,

WILLIAM L. DOWNING
LA BAR CODE # 14233
WILLIAM L. DOWNING & ASSOCIATES
P. O. Box 45212, Dept. 398
Baton Rouge, LA 70895
(504) 291-0055

A TRUE COPY OF THE ORIGINAL
FILED IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

112969 0777

CODED

FILED
NOV 9 1989
DEPUTY CLERK

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, and in the presence of the undersigned competent witnesses, personally came and appeared WILLIAM L. DOWNING , who, being by me first duly sworn, did depose and say:

That he is the duly authorized agent for SOVRAN MORTGAGE CORPORATION and as such is familiar with the account of the person(s) made defendant(s) herein; that he has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct to the best of his knowledge, information and belief.

WILLIAM L. DOWNING

Sworn to and subscribed before me this 8 day of November, 1989, at Baton Rouge, Louisiana.

Alan J. Berteau
ALAN J. BERTEAU
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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CODED

FILED
NOV 9 1989
DEPUTY CLERK

The foregoing petition, annexed documents, and the premises considered:

IT IS ORDERED that Robert G. Creely, attorney at law, be and he is hereby appointed as attorney ad hoc to represent the defendant(s), John A. Daigle and Alicia Squartsoff Daigle, and let all proceedings herein, insofar as the said defendant(s) is (are) concerned, be carried on contradictorily against the said attorney ad hoc and his fee and expenses be taxed as costs.

IT IS FURTHER ORDERED that a writ of seizure and sale issue herein commanding the Sheriff of Jefferson Parish to seize and sell the property affected by the mortgage without 3-day demand (the same having been waived in the Act of Mortgage), with appraisal and according to law, for 100% cash at the moment of adjudication, except as to plaintiff who, if the successful bidder, shall have the right to retain in its hands that portion of the bid exceeding costs to the extent necessary to satisfy, in whole or in part, its claim herein.

READ, RENDERED, AND SIGNED at Gretna, Louisiana, this 9th day of November, 1989.

CODED
ON MINUTES
NOV 14 1989

JUDGE, 24TH JUDICIAL DIST. COURT

INFORMATION FOR SERVICE:

Please serve John A. Daigle and Alicia Squartsoff Daigle through the court appointed attorney ad hoc

Raymond D. Foley and
Mary Murray Foley
3852 Redbud Lane
Harvey, LA 70058

Property Address:
3852 Redbud Lane
Harvey, LA 70058

Last Known Address of Absentee Defendants:
437 Plantation Road
Rock Hill, SC 29730

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
DIV THOMAS PORTEOUS, JR.

Nº 390663

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

BENEFICIAL FINANCE CO. OF LOUISIANA

Plaintiff

VS.

ISADORE J. GUIDRY

Defendant

RODNEY J. MADERE

Attorney for Plaintiff

Attorney for Defendant

Date of Filing NOVEMBER 17, 1939 bc

HP Exhibit 0189 (42)

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 390 663 DIVISION " " DOCKET

BENEFICIAL FINANCE CO. OF LOUISIANA

VS

ISADORE J. GUIDRY

FILED:_____ _____ DEPUTY CLERK

CODED-7

PETITION FOR EXECUTORY PROCESS WITH CURATOR

The petition of Beneficial Finance Co of Louisiana , a corporation duly licensed and qualified to do business in the State of Louisiana, respectfully represents:

1.

That the defendant(s), Isadore J. Guidry was domiciled in the Parish of Jefferson, State of Louisiana.

2.

That the said defendants are indebted unto your petitioner in the full sum of $55,000.00 together with interest thereon at the rate of 18% per cent from August 28, 1989 until paid, with 25% attorney fees on the principal and interest and for all costs of these proceedings, to-wit:

3.

That petitioner is the holder and owner of a certain promissory note dated May 23, 1984 in the principal sum of $55,000.00 together with interest thereon at the rate of 18% per annum, executed by Isadore J. Guidry payable to the order of Benficial Finance Co. of Louisiana which said note is due and payable in 360 monthly installments of $828.89 all as more fully shown by the original note attached hereto and made a part hereof.

Filed Note, Mort w/ agreement in Yacht
NOV 21 1989
EG

CODED-7

Not ant/w/ pet
NOV 21 1989
5/9/ Edna Golsby

CODED-7

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4.

That the above described promissory note is paraphed "Ne Varietur" by H. Edward Elizey, Notary Public, for identification with a collateral mortgage and pledge passed before him on May 23, 1984 in the amount of $20,000.00 executed by Isadore J. Guidry, and recorded in MOB 920 FOLIO 160 in which act the defendant(s) granted a mortgage against the herein described property to secure the aforesaid promissory note all as more fully shown by a certified copy of the act annexed hereto and made a part hereof.

5.

That in the aforesaid act the defendant(s) did specifically mortgage, effect and hypothescate unto and in favor of any holder of the aforesaid notes, the following described property, to-wit:

THAT PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, prescriptions, appurtenances, and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part known as HIGHWAY PARK SUBDIVISION, in SQUARE 444, thereof, bounded by Minnesoto, Mississippi, West Napoleon Avenues and Fourth Street. That portion of ground is designated as LOT "K" on a plan of resubdivision made by Adloe Orr, Jr. and Associates, dated May 16, 1955, copy of which is annexed to act before John T. Charbonnet, Notary Public, on October 31, 1955, and according to which said survey, said lot measures as follows:
LOT "K" forms the corner of Mississippi Avenue and Fourth Street and measures 65 feet front on Mississippi Avenue, same in width in the rear, by a depth and front on Fourth Street of 122.5 feet between equal and parallel lines, being composed of part of original lots 25, 26, and 27 and part of the origina common alley in the rear; all as more fully shown ona plat of survey by Adloe Orr, Jr. and Associates, dated April 20, 1964, annexed to act of sale passed before Nat. B. Knight, Jr., Notary Public, dated May 20, 1964, being a sale by LuBeth Cohen, wife of, and James Richard Kurz to Jefferson Savings & Loan Association, reg. in COB___, folio ___,

Being the same property acquired by owners herein in act dated 3-20-80, and registered in COB 978, folio 730.

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20199 0102

6.

That the aforesaid promissory note and act each stipulate that if default be made in the payment of any installment, the entire principal sum and accrued interest shall at once become due and payable without notice at the option of the holder of the note, which provisions petitioner specifically pleads.

7.

That the defendant(s) have failed to pay the installment due on August 28, 1989 and the installments falling due thereafter, despite amicable demands and the note being in default, petitioner has and does hereby exercise its option to mature the unpaid balance of said note, together with the attorney's fee, interest and costs, as set forth below.

8.

That there is presently due and owing on the aforesaid mortgage note the principal sum of $55,000.00 plus interest, at the rate stipulated in Article 2 hereinabove, the entire balance being in default.

9.

That the said note further provides for an attorney's fee of not more that 25% of the amount due in the event the note is sued upon or placed in the hands of an attorney for collection.

10.

That the act above mentioned is in authentic form and further imports a confession of judgment for the principal and interest of the note, and for taxes, insurance, attorney's fees and costs, all of which are secured by the mortgage on the above described property.

11.

That petitioner desires to have the property hereinabove described sold without appraisement, 10% down, the balance due in 30 days.

12.

That petitioner herein specifically pleads each and all of the stipulations, conditions, convenants and provisions of the said act as fully and completely as though the whole and each of them were copied herein.

13.

That the defendant(s) are not in the military service and neither have they been for ninety days prior to the filing of this petition.

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That the said defendants, Isadore J. Guidry, are absent within the meaning and contemplation of Article 5251 C.C.P. in that the whereabouts of the said defendant is unknown and he cannot be found and served after a diligent search, though he may be domiciled or actually be in the State and that it is necessary that the Court appoint an Attorney at Law to represent them and upon whom service can be made of notice of seizure and sale against whom this proceeding can be conducted contradictorialy.

WHEREFORE, petitioner prays:

1. That an order of Executory Process issue herein, a writ of seizure and sale issue herein, directing the Sheriff, Parish of Jefferson, or the Sheriff of any other parish where the hereinabove described property may be located to seize and after notice of seizure, delays, advertisements and compliance with all requisites of law, to sell the hereinafter described property without appraisement, 10% down, the balance due in 30 days to the highest bidder.

2. That out of the proceeds of said sale, petitioner be paid by preference and priority over all other persons and creditors whomsoever, the full amount claimed herein, that is $55,000.00 with interest at the rate of 18% per annum from August 28, 1989 until paid, with 25% attorney fees on the principal and interest and for all costs of these proceedings, plus any additional costs or expenses that may be incurred by plaintiff to preserve, protect, etc. their security herein.

3. That an Attorney at Law be appointed by the Court to represent the absent defendant(s), Isadore J. Guidry, upon whom all legal notices and proceedings shall be served and against whom this proceedings can be conducted contradictorily.

4. For all such additional relief as law, equity and nature of the case may permit.

RODNEY J. MADERE
Bar Role # 8246
2607 Harvard Avenue
Metairie, Louisiana 70001
(504) 454-5906
Attorney for Petitioner

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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FILED
NOV 17 1989
DEPUTY CLERK

CODED

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared:

RODNEY J. MADERE, who, after first being duly sworn did depose that he is the attorney for the petitioner, in the above and foregoing petition, that he has read the same, that all of the allegations contained therein are true and correct to the best of his knowledge and belief and that the obligations of the defendant(s) to the petitioner has matured by virtue of the facts set forth.

RODNEY J. MADERE

Sworn to and subscribed before me this

16th day of November, 1989

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 390663 DIVISION " " DOCKET

BENEFICIAL FINANCE CO. OF LOUISIANA

VS

ISADORE J. GUIDRY

FILED: Nov 17, 1989 CODED-7 DEPUTY CLERK

ORDER

The foregoing petition, annexed documents and affidavit considered,

IT IS ORDERED, by this Court, that Executory Process issue herein and that a writ of seizure and sale issue herein, as prayed for and according to law.

IT IS FURTHER ORDERED, that, Robert G. Creely, be and is hereby appointed at Attorney at Law, to represent the absentee defendant(s), Isadore J. Guidry, upon whom all legal notices and proceedings shall be served; and that all proceedings against said defendants shall be conducted contradictorily against the aforsaid Attorney at Law, as provided by law.

THIS ORDER signed at Gretna, Louisiana this 17th day of November, 1989. CODED-7

JUDGE

ON MINUTES NOV 21 1989

NOTICE OF DEMAND HAS BEEN WAIVED
PLEASE SERVE NOTICE OF SEIZURE AND SALE ON:

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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DIV. A
JUDGE
DIV THOMAS PORTEGUS, JR.

2937

Nº 389960

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

STANDARD MORTGAGE CORPORATION

VS. *Plaintiff*

ROYAL ROBERT ARCENEAUX AND THERESA WOODARD, WIFE OF/AND KIRBY EARL, ET AL

Defendant

JAMES C. ARCENEAUX, III
Attorney for Plaintiff

Attorney for Defendant

Date of Filing NOVEMBER 2, 1989 JL

HP Exhibit 0189 (43)

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 389-960 DIVISION "

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

STANDARD MORTGAGE CORPORATION

VERSUS

ROYAL ROBERT ARCENEAUX
AND
THERESA WOODARD, WIFE OF/AND KIRBY EARL MCLAIN, JR.

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CODED

FILED FOR RECORD
NOV 23 PM '89

FILED: _____ _____
DEPUTY CLERK

CODED

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Standard Mortgage Corporation, a Louisiana corporation, which has its principal office at 300 Plaza, One Shell Square New Orleans, Louisiana, with respect represents:

I.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Theresa Woodard, wife of/and Kirby Earl McLain, Jr. who were residents of and domiciled in the Parish of Jefferson, State of Louisiana, payable to the order of Standard Mortgage Corporation in the principal sum of $65,000.00 dated March 26, 1986 payable at Standard Mortgage Corporation, New Orleans, Louisiana, or at such other place as the holder may designate in writing, in fixed monthly installments, including principal and interest of $546.56 commencing on the first day of May, 1986 and payable in full on or before the first day of April, 2016. The said note bears interest at the rate of 9.5% percent per annum on the unpaid balance from date until paid, and which said note is paraphed "Ne Varietur" for identification with an Act of Mortgage dated March 26, 1986 and passed before Patricia B. Arnona, Notary Public in and for the Parish of Jefferson and two witnesses, and duly recorded in MOB 1465, folio 139, Parish

file note & mortgage in vault
MJ
DEC 01 1989
CODED

ISSUED not of appt -1-
DATE DEC 01 1989
M Landis
Deputy Clerk

389-960
389 960

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of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

II.

The said mortgagors did, in the said act, waive all homestead exemptions to which they may be entitled under the Constitution and laws of the State of Louisiana.

III.

In the above mentioned Act, the mortgagors agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Standard Mortgage Corporation, lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagors bound and obligated themselves not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

IV.

In the above mentioned act, the said mortgagors confessed judgement on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

V.

In the said act hereinabove referred to, the said mortgagors did specially mortgage, affect and hypothecate unto and in favor of the mortgagee, Standard Mortgage Corporation and any and all other future holders of the note, the following described property situated in the Parish of Jefferson, State

of Louisiana, to-wit:

THAT PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that subdivision thereof known as WESTMINSTER PARK EXTENSION NO. 2 SUBDIVISION, as shown on a survey of J.J. Krebs & Sons, Inc., C.E. & S., dated October 30, 1978, approved by the Jefferson Parish Council under Ordinance No. 13781, adopted on March 7, 1979, registered in COB 952, folio 429, and also according to the survey of J.J. Krebs & Sons, Inc., dated June 12, 1980, resurveyed August 22, 1980, resurveyed April 22, 1981 and described as follows, to-wit: LOT 4, SQUARE 15, which said square is bounded by Rue Louis Phillipe, Parcel C-2 (Side), The South Boundary of the Subdivision, Westminster Boulevard. Lot No. 4 commences 164.43' from the first point of curvature of Rue Louis Phillipe and Westminster Boulevard and measures thence 60.00' front on Rue Louis Phillipe, same width in the rear by depths of 100.00' on each side line.

All in accordance with a survey by Mandle Surveying, Inc., dated February 18, 1986.

Improvements thereon bear Municipal No. 7401 Rue Louis Phillipe, Marrero, La.

Being the same property acquired by Theresa Woodard, wife of/and Kirby Earl McLain, Jr. on April 29, 1981 registered in COB 1003, folio 95 and further acquired by Royal Robert Arceneaux on April 19, 1989 registered in COB 2177, folio 288.

VI.

By Act of Cash Sale and Assumption of Mortgage executed April 19, 1989, before Katherine L. Richardson, Notary Public, the above described property was transferred by Theresa Woodard, wife of/and Kirby Earl McLain, Jr. to Royal Robert Arceneaux, which said act is duly recorded in MOB 2571, folio 62, Parish of Jefferson, Louisiana; the said assumptor did assume, bind and obligate himself to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if he was the maker of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is

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marked Plaintiff's Exhibit "C".

VII.

The petitioner herein, Standard Mortgage Corporation, has been advised that the whereabouts Royal Robert Arceneaux, the present mortgagor herein, and Theresa Woodard, wife of/and Kirby Earl McLain, Jr., the original mortgagors herein, are unknown and it will therefore be necessary for this Honorable Court to appoint an attorney to represent the absent defendants.

VIII.

The assumptor having failed to make the payments required under the terms of his mortgage, is in default under the terms of said mortgage and Standard Mortgage Corporation, the last holder of the note, having given due notice to assumptor herein, has exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from June 1, 1989 to date.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent defendants Royal Robert Arceneaux and Theresa Woodard, wife of/and Kirby Earl McLain, Jr. and, further, petitioner prays for an order of Executory Process herein; and, further, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell with appraisement and after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of $63,631.62 with 9.5% percent interest thereon from May 1, 1989 until paid, together with reasonable attorney's fees on the

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total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEAUX

BY James C. Arceneaux III
James C. Arceneaux, III
Bar Roll No. 2524
Attorney for Petitioner
1210 First N.B.C. Bldg.
New Orleans, LA 70112
(504) 522-8256

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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FILED
NOV 2 1989
DEPUTY CLERK

CODED

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

ANTHONY P. PERNICIARO

who, upon being first duly sworn, did depose and say;

That he is a Vice President of Standard Mortgage Corporation and, as such, is familiar with the account of Royal Robert Arceneaux and Theresa Woodard, wife of/and Kirby Earl McLain, Jr. (present mortgagor), Account No. 43139 (898), which said account has a principal balance of $ 63,631.62 plus interest at a rate of 9.5% from May 1, 1989, until paid, which said account is currently due for the months of June 1, 1989 until date; and moreover that he has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 1st DAY OF November, 1989.

James P. Arceneaux (ad)
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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FILED
NOV 8 1989
M Landry
DEPUTY CLERK

ORDER

Considering the allegations of the foregoing petition and Exhibits annexed thereto, let Executory Process issue herein; It is ordered that a writ of seizure and sale issue herein forthwith, as prayed for, according to law, with appraisement.

Let Robert G Creely, Esq. be appointed Curator-ad-Hoc to represent the absent defendants, Royal Robert Arceneaux and Theresa Woodard, wife of/and Kirby Earl McLain, Jr.

Gretna, Louisiana

November 8, 1989

JUDGE

NOV 9 1989 ON MINUTES

PLEASE SERVE:

Robert G. Creely, Esq.
Curator ad hoc to represent
the absent defendants
Royal Robert Arceneaux
and
Theresa Woodard, wife of/and
Kirby Earl McLain,Jr.

With notice of seizure and sale
(notice of demand waived)

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A

JUDGE

G. THOMAS PORTEOUS, JR.

DIV _____

Nº 391574

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

MUTUAL SAVINGS & LOAN ASSOCIATION (FORMERLY MUTUAL HOMESTEAD ASSOCIATION)

Plaintiff

VS.

GAYLORD J. WILSON

Defendant

STANLEY McDERMOTT, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing DECEMBER 7, 1989 kt

2945

HP Exhibit 0189 (44)

52290 1369

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 391-574 DIVISION "A" DOCKET NO.

MUTUAL SAVINGS & LOAN ASSOCIATION
(FORMERLY MUTUAL HOMESTEAD ASSOCIATION

VS.

GAYLORD J. WILSON

FILED:_____1989 _____
Deputy Clerk

CODED

PETITION FOR APPOINTMENT OF
CURATOR AD HOC

The petition of Mutual Savings & Loan Association, plaintiff herein, with respect, represents:

I.

The Sheriff for the Parish of Jefferson has been unable to serve the defendant, Gaylord J. Wilson, after due and diligent attempts.

II.

Petitioner is informed and believes that the defendant has moved from his present address and is an absentee, and on suggesting to the court that the defendant has vacated the property and left no forwarding address; that it is necessary that a curator ad hoc be appointed to represent him against whom these proceedings can be carried on contradictorily,

WHEREFORE, petitioner prays that a curator ad hoc be appointed to represent the absentee defendant, Gaylord J. Wilson.

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Stephen P. Schott
Bar No. 2096
MONTGOMERY, BARNETT, BROWN,
READ, HAMMOND & MINTZ
3200 Energy Centre
1100 Poydras Street
New Orleans, LA 70163
Telephone: (504) 585-3200

O R D E R

Considering the foregoing petition, let Robert L. Cecly, attorney at law, be and he is

ISSUED not of appt
DATE MAY 21 1990
Deputy Clerk

CODED

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hereby appointed curator ad hoc to represent Gaylord J. Wilson, defendant herein.

Gretna, Louisiana

May 17th, 1990

JUDGE

MAY 18 1990

ON MINUTES

CODED

PLEASE SERVE:

Curator-Ad-Hoc for
Gaylord J. Wilson

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

DIV _____

Nº 392006

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NATIONAL CITY MORTGAGE COMPANY (FORMERLY THE FIRST NATIONAL BANK OF LOUISVILLE)

VS.

Plaintiff

DANE H. HARRIS AND DARLENE BOZZELLE HARRIS

Defendant

THOMAS J. BYRNE, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing DEC. 18, 1989 dg

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HP Exhibit 0189 (45)

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89-0219

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 392,006 DIVISION "A"

NATIONAL CITY MORTGAGE COMPANY
(FORMERLY THE FIRST NATIONAL BANK OF LOUISVILLE)

VERSUS

DANE H. HARRIS
(A/K/A DANE HENRY HARRIS)

AND

DARLENE BOZZELLE HARRIS
(A/K/A DARLENE ELIZABETH BOZZELLE HARRIS)

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of National City Mortgage Company (formerly The First National Bank of Louisville), through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Dane H. Harris and Darlene Bozzelle Harris, is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s), Dane H. Harris and Darlene Bozzelle Harris.

IT IS ORDERED BY THE COURT, that Robert Creely attorney at law be and he is hereby appointed curator ad hoc for defendant(s) Dane H. Harris and Darlene Bozzelle Harris, in these proceedings and that the requisite three (3) day notice of demand

ISSUED COPY of appt. w/notice of demand
DATE JAN 26 1990
M Landry
Deputy Clerk

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for payment be issued herein and served upon said attorney, and after all necessary delays that a Writ of Seizure and Sale issue herein, and be served upon said attorney at law.

Gretna, Louisiana, this 16th day of January, 19 90

JUDGE

JAN 17 1990
MINUTES

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: Jane Mentz

THOMAS J. BYRNE, JR.
Louisiana Bar Roll #17501
JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
Attorney's for Plaintiff
601 Papworth Avenue - Suite 200
Metairie, LA 70005
(504) 831-7726

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ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A

JUDGE

DIV _____ A. THOMAS PORTEOUS, JR.

Nº 392036

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

AMERICAN GENERAL FINANCE CO., INC. FORMERLY CREDITTHRIFT OF AMERICA, INC.

Plaintiff

VS.

KEITH J. GROS

Defendant

JULES A. FONTANA, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing DEC. 18, 1989 dg

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HP Exhibit 0189 (46)

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 392-036 DIVISION "A" DOCKET NO. _____

AMERICAN GENERAL FINANCE, INC. ET.

VERSUS

KIETH J. GROS

FILED: _____ _____ :DEPUTY CLERK

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'90 AUG 14 AM 9 18
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PARISH OF JEFFERSON, LA.

CODED

MOTION TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel comes, General Finance, Inc. Et. Al. and who with respect represents:

I.

Defendant(s), Kieth J. Gros, has(have) not been served with the notice of seizure, in the above captioned proceedings, that it is necessary to serve them in order to go forward with the sale of the security which was seized under a writ of seizure and sale; that said seizure was effected in the Parish of Jefferson, consequently, petitioner asks that this court appoint a curator to represent defendant(s) in that case.

WHEREFORE, petitioner prays that a curator be appointed to represent Kieth J. Gros in these proceedings.

Jules A. Fontana, Jr. 5645
JULES A. FONTANA, JR.
Attorney at Law
1022 Loyola Avenue / Phone: 581-9545
New Orleans, Louisiana 70113

ORDER

IT IS HEREBY ORDERED, that Robert G. Creely be appointed curator to represent the defendant(s) in the above captioned proceedings.

Gretna, Louisiana this 16th day of August, 1990.

CODED

JUDGE

PLEASE SERVE:
CURATOR

ISSUED not of appt

DATE SEP 27 1990

S/ MYRA LANDIX
Deputy Clerk

AUG 17 1990

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A

JUDGE

DIV E. THOMAS PORTEOUS, JR.

Nº 392510

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

BANCBOSTON MORTGAGE CORPORATION (F/K/A MORTGAGE CORPORATION OF THE SOUTH)

Plaintiff

VS.

MICHAEL SIMOULIDIS, DONNA APAZIDIS SIMOULIDIS, STELLA PSARRAS IMPROGLOU, AND ANGELLOS IMPROGLOU

Defendant

THOMAS J. BYRNE

Attorney for Plaintiff

Attorney for Defendant

Date of Filing DECEMBER 29, 1989 bc

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HP Exhibit 0189 (47)

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89-0907

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 392,510 DIVISION ""A""

BancBoston Mortgage Corporation
(f/k/a Mortgage Corporation of the South)

VERSUS

MICHAEL SIMOULIDIS

AND

DONNA APAZIDIS SIMOULIDIS

AND

STELLA PSARRAS IMPROGLOU

AND

ANGELLOS IMPROGLOU

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of BancBoston Mortgage Corporation (f/k/a Mortgage Corporation of the South), through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Michael Simoulidis, Donna Apazidis Simoulidis, Stella Psarras Improglou and Angellos Improglou is unknown as appears from the Sheriff's return of the citation of file in these proceeding specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s) Michael Simoulidis, Donna Apazidis Simoulidis, Stella Psarras Improglou and Angellos Improglou.

ISSUED not of appt
DATE FEB 14 1990
Deputy Clerk

392-510

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IT IS ORDERED BY THE COURT, that Robert D. Creely attorney at law be and he is hereby appointed curator ad hoc for defendant(s), Michael Simoulidis, Donna Apazidis Simoulidis, Stella Psarras Improglou and Angellos Improglou in these proceedings and that the writ of seizure and sale be issued herein and served upon said attorney at law.

Gretna, Louisiana, this 7th day of February, 19 90

JUDGE

FEB - 8 1990

ON MINUTES

CODED - 11

Respectfully submitted,

SHAPIRO AND KREISMAN

BY:

THOMAS J. BYRNE, JR.
Louisiana Bar Roll #17001
JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
Attorney's for Plaintiff
601 Papworth Avenue - Suite 200
Metairie, LA 70005
(504) 831-7726

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.
392-510

Nº 392742

DIV DIV. A

JUDGE

S. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

DELTA BANK AND TRUST COMPANY

Plaintiff

VS.

AMBERSON M. WEBB

Defendant

DOMINICK SCANDURRO, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JANUARY 5, 1990 JL

HP Exhibit 0189 (48)

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24TH JUDICIAL DISTRICT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 392-742 DIVISION " "

DELTA BANK AND TRUST COMPANY

versus

AMBERSON M. WEBB

FILED: _____ _____
DEPUTY CLERK

PETITION FOR EXECUTORY
PROCESS AND APPOINTMENT OF CURATOR

The DELTA BANK AND TRUST COMPANY, a Louisiana banking corporation, doing business in the Parish of Plaquemines, State of Louisiana, respectfully shows:

I.

The defendant, AMBERSON M. WEBB, a person of the full age of majority and domiciled in the Parish of Jefferson.

II.

Petitioner is the holder of a promissory note in the amount of FORTY THOUSAND AND NO/100 ($40,000.00) DOLLARS attached as Exhibit P-1, which was executed on April 27, 1983, by defendant, as maker, payable to the order of "Bearer" and payable on Demand with interest at the rate of twelve (12%) per cent per annum from date until paid and providing for attorney's fees of 25% of the principal and interest due should an attorney be employed to enforce collection of the note.

III.

The attached note was paraphed by Joseph E. Defley, Jr., Notary Public, to identify with an authentic act of collateral mortgage executed before him on April 27, 1983, a certified copy of the act is attached as Exhibit P-2, respectively. In this authentic act, the collateral mortgage was recorded in MOB

JAN 25 1990

file note & mortgage in vault

HUBRIG, SCANDURRO & WAID

ISSUED not of rept
JAN 25 1990
DATE
M Landis
Deputy Clerk

877/852, of the records of this parish, the defendants granted a mortgage in favor of any future holder of the attached note, to secure its payment, on the following described property

> A CERTAIN PIECE OR PORTION OF GROUND, together with all of the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that partthereof known as MANOR HEIGHTS EXTENSION SUBDIVISION, being a resubdivision of Lots A, 20 B, A 21 B and 1/2 of A 21 A of Section B, Ames Farms, and according to a plan of said subdivision by John W. Mitchell, Surveyor, dated October 8, 1958, revised February 2, 1959, approved by the Jefferson Parish Council, Ordinance No. 3932, recorded in the Clerk of Court's Office in the Parish of Jefferson, Entry Number 157 089, and Ordinance No. 3990, recorded in the Clerk of Court's Office in the Parish of Jefferson, Entry No. 157 090, said lot is designated as LOT ONE (1) of SQUARE THREE (3), which said square is bounded by BONNIE ANN DRIVE, JEFFREY STREET, MANOR HEIGHTS SUBDIVISION and CANAL ROAD; said lot measures 84.98 feet front on Jeffrey Street; has the same width in the rear, and a depth between equal and parallel lines of 73.27 feet, said lot forming the corner of Jeffrey Street and Bonnie Ann Drive. The above and foregoing is in accordance with a plan of survey by J.J. Krebs and Sons, C.E. dated April 19, 1962.
>
> Being the same property acquired by AMberson M. Webb from Pelican Homestead and Savings Association on May 28, 1976, as per act before John H. Norman, Notary Public, Parish of Orleans, recorded in the Parish of Jefferson, in C.O.B. 863, Folio 879, M.O.B. 679, Folio 462 on June 4, 1976.

IV.

Petitioner is the holder of a hand note in the amount of THIRTY-EIGHT THOUSAND SEVEN HUNDRED NINETY ONE AND 20/100 ($38,791.20) DOLLARS attached as Exhibit P-3, executed on August 23, 1989, by defendants, as maker, payable in eleven (11) equal installments of $746.05 each, to commence on October 1, 1989, with a final payment in the amount of $34,723.14 due on September 1, 1990, for a total of twelve (12) installments, bearing interest at the rate of eleven (11%) per cent per annum until paid, providing for attorney's fees of 25% of principal and interest due, if an attorney is employed to enforce collection. This note is secured by the Pledge of Collateral Mortgage and

BUBRIG, SCANDURRO & WAID

Note executed by defendant on August 23, 1989, and attached hereto as Exhibit P-4.

V.

In this act of mortgage, the defendant confessed judgment on the attached note, and consented to the seizure and sale of the mortgaged property under executory process if the note was not paid in accordance with its terms; waived the demand for payment prior to seizure; and further waived the benefit of appraisal of the property prior to judicial sale.

VI.

The defendant has not made any of the installments due and under the terms of the note, the entire unpaid balance of $38,791.20, principal, plus accrued interest of $841.71 through November 3, 1989, with interest thereafter at the rate of 11%, and for attorney's fees and costs mentioned above, is now due and payable.

VII.

This court has jurisdiction over the property against, which the mortgage is sought to be enforced, but since the defendant, although a resident of this Parish, cannot be served personally with process, because he is an absentee, an attorney at law should be appointed by the court to represent the defendant.

WHEREFORE, petitioner, DELTA BANK AND TRUST COMPANY, prays that an attorney at law be appointed to represent the absent defendant in this proceeding; and a writ of seizure and sale be issued forthwith, directing the civil sheriff to seize and sell the following mortgaged property WITH APPRAISAL, and according to law, to satisfy petitioner's claim in the amount of THIRTY-EIGHT THOUSAND SEVEN HUNDRED NINETY-ONE AND 20/100 ($38,791.20) DOLLARS plus EIGHT HUNDRED FORTY-ONE AND 71/100 ($841.71) DOLLARS in accrued interest as of November 3, 1989, with eleven (11%) percent interest per annum thereon from November 3, 1989, until paid and attorney's fees of twenty-five (25%) percent of the principal and interest, and for all costs of these proceedings

BUSSIG, SCANDURRO & WAID

013190 0793

A CERTAIN PIECE OR PORTION OF GROUND, together with all of the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that partthereof known as MANOR HEIGHTS EXTENSION SUBDIVISION, being a resubdivision of Lots A, 20 B, A 21 B and 1/2 of A 21 A of Section B, Ames Farms, and according to a plan of said subdivision by John W. Mitchell, Surveyor, dated October 8, 1958, revised February 2, 1959, approved by the Jefferson Parish Council, Ordinance No. 3932, recorded in the Clerk of Court's Office in the Parish of Jefferson, Entry Number 157 089, and Ordinance No. 3990, recorded in the Clerk of Court's Office in the Parish of Jefferson, Entry No. 157 090, said lot is designated as LOT ONE (1) of SQUARE THREE (3), which said square is bounded by BONNIE ANN DRIVE, JEFFREY STREET, MANOR HEIGHTS SUBDIVISION and CANAL ROAD; said lot measures 84.98 feet front on Jeffrey Street; has the same width in the rear, and a depth between equal and parallel lines of 73.27 feet, said lot forming the corner of Jeffrey Street and Bonnie Ann Drive. The above and foregoing is in accordance with a plan of survey by J.J. Krebs and Sons, C.E. dated April 19, 1962.

Being the same property acquired by AMberson M. Webb from Pelican Homestead and Savings Association on May 28, 1976, as per act before John H. Norman, Notary Public, Parish of Orleans, recorded in the Parish of Jefferson, in C.O.B. 863, Folio 879, M.O.B. 679, Folio 462 on June 4, 1976.

Respectfully submitted,

DOMINICK SCANDURRO, JR.
BAR NO. 11750
BUBRIG, SCANDURRO & WAID
601 N. Belle Chasse Hwy.
Suite 304
Belle Chasse, Louisiana 70037
Telephone: (504) 392-3308

Please Serve Defendant
through the Attorney at Law
appointed to represent him

Property Location:

BUBRIG, SCANDURRO & WAID

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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FI
JAN 5 1990
DEPUTY CLERK

VERIFICATION

STATE OF LOUISIANA
PARISH OF PLAQUEMINES

BEFORE ME, the undersigned authority, personally came and appeared:

DARRELL ROY

who, after being duly sworn, did depose and state:

That he is the Senior Vice President and Cashier of DELTA BANK AND TRUST COMPANY in the above and foregoing petition, and that he has read the Petition and that all the allegations contained therein are true and correct to the best of his knowledge and belief.

DARRELL ROY

SWORN TO AND SUBSCRIBED BEFORE ME, THIS 4th DAY OF January, 1990.

NOTARY PUBLIC

BURRIG, SCANDURRO & WAID

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. DIVISION " "

DELTA BANK AND TRUST COMPANY

versus

AMBERSON M. WEBB

FILED: CODED-90 Myra Landry
DEPUTY CLERK

ORDER

Considering the allegations of the Petition for Executory Process and the Exhibits attached hereto Robert G. Creely, Attorney at Law is appointed to represent the absent defendant in this proceeding:

IT IS FURTHER ORDERED that a Writ of Seizure and Sale be issued herein forthwith immovable property, as prayed for and according to law.

Gretna, Louisiana, this 9th day of January, 1990.

JUDGE

JAN 10 1990 ON MINUTES

CODED 11

BUERIS, SCANDURRO & WAID

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

DIV _____

№ 393827

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

SOUTHWEST SAVINGS ASSOCIATION

Plaintiff

VS.

STEVEN CRAIG THOMPSON

Defendant

JOHN C. MORRIS, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JANUARY 25, 1990 bc

2963

HP Exhibit 0189 (50)

$150

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STATE OF LOUISIANA * PARISH OF JEFFERSON * 24TH JUDICIAL DISTRICT COURT

SOUTHWEST SAVINGS ASSOCIATION FILED: _____

VERSUS NO. 393-827

STEVEN CRAIG THOMPSON

DIV. A JUDGE B. THOMAS PORTEUS, JR.

DEPUTY CLERK

VERIFIED

SUIT ON NOTE WITH RECOGNITION OF MORTGAGE

NOW INTO COURT, through undersigned counsel, comes SOUTHWEST SAVINGS ASSOCIATION, legal successor to Stockton Savings Association, authorized to do business in Louisiana, who respectfully represents:

1.

Made defendant herein is Steven Craig Thompson, who resides in Denver, Colorado; accordingly, plaintiff requests that a curator ad hoc be appointed to represent him in connection herewith.

2.

Defendant is the owner of the property described in Paragraph 6 herein, and is the makers of one certain promissory note in the original principal sum of $65,950.00 dated October 4, 1985, payable to the order of Troy & Nichols, Inc., (the "note") and paraphed for identification with an act of mortgage of even date therewith affecting the property described in Paragraph 6 herein. The note has been assigned by Troy & Nichols, Inc. to the plaintiff.

3.

The said note was payable in monthly installments and the defendant has defaulted on the note and mortgage by failing to pay, when due, the monthly installments for July 1, 1989 and the defendant remained in default thereafter by failing to pay in full such installment and all successive monthly installments and other amounts due on the note and mortgage before plaintiff, pursuant to the provisions of the note and mortgage, accelerate the entire indebtedness represented by the note and mortgage, which entire indebtedness remains unpaid.

4.

Plaintiff is owed the following amounts under the note: principal in the amount of $65,950.00; interest at 9.0% per annum from June 1, 1989 until paid; amounts due for taxes and insurance premiums at the rate of $21.03 per month from June 1, 1989 and any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances and proves according to law for taxes, assessments, repairs to and maintenance of the property, attorney's fees and all costs hereof.

No original note filed filed assign of mortg note in vault

FEB 13 1990

VERIFIED

ISSUED cit & pet w/not of appt.

DATE FEB 13 1990

VERIFIED

M. Landis
Deputy Clerk

393827

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5.

The indebtedness due plaintiff and the obligations owed under the mortgage are represented by the following:

(A) Copy of the promissory note paraphed for identification with the act of mortgage (Exhibit A)

(B) Certified copy of the act of mortgage (Exhibit B)

(C) Assignment of the note from Troy & Nichols, Inc., Stockton Savings Association (Exhibit C)

6.

Plaintiff is entitled to enforce the aforedescribed mortgage and hereby requests recognition of same, which affects the following described property located in Jefferson Parish, to-wit:

Unit 9 of La Maison De Le Bonne Vie Condominium, a condominium estate created by act before Henry O'Connor, N.P. dated March 31, 1982, and registered in COB 1023, folio 312 and amended by private act dated October 8, 1982 and October 16, 1982, registered in COB 1034, folio 565, according to which said unit forms a part of the following property:

That certain lot of ground, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging, or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that subdivision known as Harlem Parkway Subdivision, designated as Lots Nos. 6 - 18, both inclusive, in Square No. 48, which square is bounded by West Esplanade Avenue (formerly 10th Street), the East boundary of Harlem Parkway Subdivision, 9th Street, and Ridgelake Drive, as delineated on a survey by Edward L. Clinton, Registered Land Surveyor, dated June 24, 1981, and according thereto, said lots of ground are described as follows:

Lots Nos. 6 - 10 adjoin each other and measure each 25 feet front on Ridgelake Drive, the same in width in the rear, by a depth of 120 feet between equal and parallel lines. Lot No. 10 forms the northeast corner of West Esplanade Avenue, and Ridgelake Drive.

Lots Nos. 11 - 18 adjoin each other, and measure each 25 feet front on West Esplanade Avenue, same in width in the rear, by a depth of 120 feet, between equal and parallel lines. Lot No. 11 lies nearer to and commences at a distance of 120 feet from the northeast corner of West Esplanade Avenue and Ridgelake Drive, the westerly sideline thereof being common with the rear or eastern lines of the aforesaid lots 1 - 6.

Lots 6 - 18 together form a portion of ground which measured along its southern line, a distance of 200 feet front on the north line of West Esplanade Avenue, by a depth along its western line, fronting on the east line of Ridgelake Drive, of 120 feet, a width in the rear along its northern line of 320 feet, and a depth on its eastern line, along the East boundary of the subdivision of 120 feet.

Said lots further have been resubdivided into 18-A, by Ordinance No. 14804, dated July 8, 1981, and registered in COB 1008, folio 230. Said units include east a 2.78% in common elements as defined in aforesaid acts creating condominium estate.

7.

Plaintiff requests that the court render judgment in favor of the plaintiff in the amount set forth in Paragraph 4 hereof and that the

393827

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aforedescribed mortgage be recognized and declared enforceable in accordance with law.

WHEREFORE, PLAINTIFF PRAYS that judgment be rendered herein in its favor and against the defendant in the full sum of $65,950.00 together with interest at 9.0% per annum from June 1, 1989 until paid; amounts due for taxes and insurance premiums at the rate of $21.03 per month from June 1, 1989 and any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances and proves according to law for taxes, assessments, repairs to and maintenance of the property, attorney's fees and all costs hereof.

PLAINTIFF FURTHER PRAYS that the mortgage in its favor be recognized.

PLAINTIFF FURTHER PRAYS that the court appoint a curator ad hoc to represent the absent defendant.

THOMPSON, SPARKS, DEAN & MORRIS
1401 Royal Avenue
P. O. Box 2867
Monroe, LA 71207-2867
(318) 388-1440

BY: _____
JOHN C. MORRIS, III (Bar #9732)
ATTORNEY FOR SOUTHWEST SAVINGS ASSOCIATION

JAN 29 1990

VERIFIED

ORDER

Considering the foregoing;

IT IS ORDERED that Robert G. Creely, attorney at law, be and is hereby appointed curator ad hoc to represent the absentee defendant, Steven Craig Thompson, upon whom service of process may be made.

Franklinton, Louisiana, this 29th day of January, 1990.

ON MINUTES FEB - 1 1990

VERIFIED

_____
JUDGE

LAST KNOWN ADDRESS OF DEFENDANT: Stapleton Airport POB 337, Denver, Colorado, 80207

PROPERTY ADDRESS: 3629 Ridgelake Avenue, Unit 9, Metairie, Louisiana, 70003.

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

_____
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

393827

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AMATO AND CREELY
A PROFESSIONAL LAW CORPORATION
901 DERBIGNY STREET
POST OFFICE BOX 441
GRETNA, LOUISIANA 70054-0441
TELEPHONE: 504-367-8181
TELEFAX: 504-362-5168

March 19, 1990

Clerk of Court
Parish of Jefferson
New Gretna Courthouse
Gretna, Louisiana 70053

Re: Southwest Savings Association
v. Steven Craig Thompson
24th JDC No. 393-827

Dear Sir:

Please be advised that the defendant, Steven Craig Thompson, has retained the services of Ms. Paula R. George, to represent his interests in the above matter. Accordingly, I have this date filed a Motion to Withdraw as Curator ad Hoc for the defendant and request that the curator fee deposited with your office be forwarded to my office at your next convenience.

With all good wishes, I remain,

Yours very truly,

ROBERT G. CREELY

RGC/da

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

PERMANENT

DIV DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

2968

Nº 394035

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

VICTORIA MORTGAGE COMPANY

Plaintiff

vs.

JOANNE DAWKINS MCKEE, JOHN HAROLD MCKEE, LARRY MCKINNEY AND ELLA DEE CARTER

Defendant

THOMAS J. BYRNE, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JANUARY 30, 1990 bc

HP Exhibit 0189 (51)

#233

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89-0956

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. A

NO. 394-035

JUDGE G. THOMAS PORTEOUS, JR. DIVISION

VICTORIA MORTGAGE COMPANY

VERSUS

JOANNE DAWKINS MCKEE

AND

JOHN HAROLD MCKEE

AND

LARRY MCKINNEY

AND

ELLA DEE CARTER

CODED - 11

FILED: _____ _____ DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS
WITH BENEFIT OF APPRAISAL

PERMANENT

The petition of Victoria Mortgage Company, a corporation organized under the laws of the United States of America, with respect represents:

I.

Petitioner is the holder and owner for valuable consideration, and before maturity, of that certain promissory note, payable to the order of "Bearer", made, subscribed and executed by JoAnne Dawkins McKee and John Harold McKee defendants herein, which said note is dated May 30, 1986, in the original principal sum of Fifty-Two Thousand Five Hundred Fifty and No/100 ($52,550.00) Dollars, with principal and interest payable at the rate of Four Hundred Forty-One and 87/100 ($441.87) Dollars per month, commencing on the first day of July, 1986, and bearing Nine and One-Half (9.50%) percent per annum interest from date, and providing that said note shall bear reasonable attorney's fees, which said note is secured and is officially paraphed "Ne Varietur" in conformity with an Act of Mortgage passed before Adrea D. Heebe, Notary Public, dated May 30, 1986 and which mortgage is recorded in Mortgage Office Book 1533, folio 47, Entry Number 86-25040, Parish of Jefferson, State

CODED - 11

FEB 16 1990

file note & mortgage in vault

ISSUED Not of Appt

DATE FEB 16 1990

M Landis

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of Louisiana. Said note is secured by an Act of Mortgage in favor of "Buckeye Financial, Inc." on the following described property, to-wit:

> THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, in that part thereof known as LIVE OAK MANOR SUBDIVISION, all as per plan of subdivision by Subdivision Planning Engineers, Inc., dated March 16, 1959, revised June 9, 1959, approved under Ordinance No. 4152, adopted by the Jefferson Parish Council, filed of record under Entry No. 159352, in COB 486, folio 469, and as per Act of Dedication before Harold J. Zeringer, Jr., Notary Public, dated September 16, 1959, filed of record under Entry No. 160982 in COB 488 folio 343, said lot being more particularly described as follows, to-wit:
>
> Lot 15, Square 9, is bounded by Jeffer Drive, Duffy Street (side), 20 foot drainage servitude and Dolores Drive (formerly Dolores Street), said lot commences at a distance of 556.00 feet from the intersection of Dolores Drive and Jeffer Drive and measures thence 55.00 feet front on Jeffer Drive, same width in the rear, by a depth of 95.00 feet between equal and parallel lines. All in accordance with a survey by Surveyors Incorporated dated March 31, 1986 and resurveyed May 5, 1986 to show improvements.
>
> Improvements thereon bear the Municipal Number 356 Jeffer Drive, Waggaman, Louisiana 70094.

II.

Said note is endorsed "Pay without recourse to Buckeye Federal Savings and Loan Association, Buckeye Financial, Inc." and paraphed "Ne Varietur" for identification with an act of notarial endorsement and assignment of mortgage and mortgage note passed before Adrea D. Heebe, Notary Public, dated May 30, 1986, which transferred said note from Buckeye Financial, Inc. to Buckeye Federal Savings and Loan Association. Said note is further endorsed in blank by Buckeye Federal Savings and Loan Association, however, as appears by the annexed affidavit by Buckeye Federal Savings and Loan Association, said endorsement was not consummated and the blank endorsement has been duly cancelled on the rear of said note. Said note is further endorsed "Pay to the Order of Victoria Mortgage Company, without recourse, this 23rd day of August 1988, Buckeye Federal Savings and Loan Association", which, together with an act of notarial endorsement and assignment of mortgage note passed before Tamalyn Ruiz, Notary Public, dated November 1, 1988, transferred said note from Buckeye Federal Savings and Loan Association to

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Victoria Mortgage Company. Said note is further endorsed in blank by Victoria Mortgage Company, however, as appears by the annexed affidavit by petitioner, said endorsement was not consummated and the blank endorsement has been duly cancelled on the rear of said note. Accordingly, Victoria Mortgage Company, your petitioner herein, is the last holder and owner of said note.

III.

In the above described Act of Mortgage, the said mortgagors, JoAnne Dawkins McKee and John Harold McKee, confessed judgment upon said note and consented that if same were not paid in accordance with the terms and conditions thereof, that said property might be seized and sold by executory process for cash with or without appraisement, and without the necessity of legal demand for payment, or putting in default. The said Act of Mortgage further provides that the said mortgagors do not have the right to sell, alienate or encumber the said property to the prejudice of the said act. The said act further provides that the mortgagors will pay the reasonable fees of the attorney at law employed to collect the note and mortgage. Said mortgagors have likewise waived all homestead exemptions.

IV.

The said note and mortgage further provides that if any installment of principal and interest, or any part thereof shall remain unpaid on the said date when such installment is due, that the said note would be in default and the holder of the said note and mortgage shall then have the right to accelerate the terms thereof in the full amount, and the full unpaid balance in principal and interest shall immediately become due and owing together with said attorney's fees.

V.

The said mortgage further provides that if the monthly payments stipulated in said act of Mortgage are in arrears mortgagor will, at creditor's option, pay to creditor a "late charge" not exceeding four per centum (4%) of any installment which is paid more than fifteen (15) days after the due date

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thereof, to cover the extra expense involved in handling delinquent payments. That the monthly payments are in the sum of $480.28, which allows the creditor to charge a late charge of $19.21 on each installment delinquent in excess of fifteen (15) days.

VI.

Petitioner avers that the said JoAnne Dawkins McKee and John Harold McKee, John Harold McKee being represented through his agent and attorney in fact, did, by an act of sale with assumption of mortgage passed before Anne W. Schneider, Notary Public, dated April 27, 1989, recorded in Mortgage Office Book 2524, folio 124, Entry No. 89-19156, Jefferson Parish, Louisiana, grant, bargain, sell and convey said property to Larry McKinney and Ella Dee Carter. That in said act of sale with assumption of mortgage the said Larry McKinney and Ella Dee Carter did assume and obligate themselves to all of the original terms and conditions of the note and mortgage sued upon herein.

VII.

Petitioner avers that the said note and mortgage are past due and exigible and that the monthly installment due on June 1, 1989 and all subsequent installments are due and unpaid, and that because of said default, the entire unpaid principal balance in the sum of $51,512.21 together with interest at the rate of Nine and One-Half (9.50%) percent per annum from May 1, 1989, plus late charges of $19.21 on each delinquent installment since June 16, 1989, together with reasonable attorney's fees are due, owing and unpaid.

VIII.

Petitioner annexes hereto and makes a part hereof the following documents (1) The original promissory note in the sum of Fifty-Two Thousand Five Hundred Fifty and No/100 ($52,550.00) Dollars, marked as Plaintiff's Exhibit "A", (2) A certified true copy of the act of mortgage, marked as Plaintiff's Exhibit "B", (3) A certified true copy of the act of notarial endorsement and assignment of mortgage note by Buckeye Financial, Inc. to Buckeye Federal Savings and Loan Association, marked as Plaintiff's

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Exhibit "C", (4) An affidavit by Buckeye Federal Savings and Loan Association of non-consummation and cancellation of blank endorsement, marked as Plaintiff's Exhibit "D", (5) A certified true copy of the act of notarial endorsement and assignment of mortgage note by Buckeye Federal Savings and Loan Association to Victoria Mortgage Company, marked as Plaintiff's Exhibit "E", (6) Petitioner's affidavit of non-consummation and cancellation of blank endorsement, marked as Plaintiff's Exhibit "F", and (7) A certified true copy of the act of sale with assumption of mortgage note by JoAnne Dawkins McKee and John Harold McKee to Larry McKinney and Ella Dee Carter and power of attorney by John Harold McKee to JoAnne Dawkins McKee, marked as Plaintiff's Exhibit "G", and makes all a part hereof as though copied at length herein.

IX.

Petitioner alleges that the defendants, JoAnne Dawkins McKee, John Harold McKee, Larry McKinney and Ella Dee Carter, are not in the military service of the United States or any of its allies. Petitioner further alleges that the defendant, John Harold McKee, is currently a resident of Dover, Delaware and accordingly is an absentee defendant. Petitioner further alleges that the defendant Larry McKinney, is currently residing at 228 W. 51st Street, Los Angeles, California 90037 and accordingly is an absentee defendant. Petitioner alleges that it is entitled to the appointment of an attorney to represent defendants, John Harold McKee and Larry McKinney, all in accordance with Civil Code of Procedure Article 5091.

X.

Petitioner alleges amicable demand to no avail.

WHEREFORE, the premises and annexed documents and affidavit considered, petitioner prays that this court appoint a curator ad hoc to represent the absentee defendants in these proceedings, and that a writ of Executory Process issue herein, that a Writ of Seizure and Sale issue immediately herein, directing the Civil Sheriff for the Parish of Jefferson, State of Louisiana, to seize, and after due advertisements, delays, requisites and

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formalities, save those expressly waived in the above described act of mortgage, to sell the said property described above according to law, for cash and with benefit of appraisal, to pay and satisfy the claim of your petitioner in the full sum of $51,512.21 Dollars, with interest thereon at the rate of Nine and One-Half (9.50%) percent per annum from May 1, 1989, together with late charges of $19.21 on each delinquent monthly installment since June 16, 1989, together with reasonable attorney's fees, and all costs of these proceedings, and petitioner prays to be paid the above amounts by preference and priority over all persons whatsoever, and for all other general and equitable relief.

SHAPIRO AND KREISMAN

BY: Thomas Byrne

THOMAS J. BYRNE, JR.
Louisiana Bar Roll No. 17501
JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
Attorney's for Petitioner
601 Papworth
Suite 200
Metairie, Louisiana 70005
Telephone No. (504) 831-7726

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

0 2 3 9 0 2 7 3 6 FEB 1990 CODED 2M

689-0956

ORDER

CONSIDERING the allegations of the foregoing petition and the exhibits attached thereto, it is ordered that Don C Gardner attorney at law be and is hereby appointed to represent the absent defendants, John Harold McKee and Larry McKinney, herein.

IT IS FURTHER ORDERED that Executory Process issue herein, as prayed for and according to law and that the writ of seizure be served upon all defendants and upon the attorney at law appointed to represent the absent defendants, John Harold McKee and Larry McKinney.

Gretna, Louisiana this 1st day of February, 19 90

JUDGE

ON MINUTES FEB - 6 1990

CODED

PLEASE SERVE DEFENDANTS

Attorney at Law appointed to represent John Harold McKee

AND

JoAnne Dawkins McKee
356 Jeffer Drive
Waggaman, Louisiana 70094

AND

Attorney at Law appointed to represent Larry McKinney

AND

Ella Dee Carter
8534 Cedar Lane
New Orleans, Louisiana 70127

OR

356 Jeffer Drive
Waggaman, Louisiana 70094

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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689-0956

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

CODED 11

STATE OF LOUISIANA

NO. 394,035 DIVISION "A"

VICTORIA MORTGAGE COMPANY

VERSUS

JOANNE DAWKINS MCKEE

AND

JOHN HAROLD MCKEE

AND

LARRY MCKINNEY

AND

ELLA DEE CARTER

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of Victoria Mortgage Company, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), JoAnne Dawkins McKee is unknown as appears from the Sheriff's return of the citation of file in these proceeding specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s) JoAnne Dawkins McKee.

ISSUED Not of Cert
DATE JUL 05 1990
M Landix
Deputy Clerk

CODED 11

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FILED
JUN 1990
DEPUTY CLERK

IT IS ORDERED BY THE COURT, that Robert G. Crowley attorney at law be and he is hereby appointed curator ad hoc for defendant(s), JoAnne Dawkins McKee in these proceedings and that the writ of seizure and sale be issued herein and served upon said attorney at law.

Gretna, Louisiana, this 29th day of June, 1990

JUDGE

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: Thomas Byrne

THOMAS J. BYRNE, JR.
Louisiana Bar Roll #17501
JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
Attorney's for Plaintiff
3850 North Causeway Boulevard
Suite 710
Metairie, LA 70002
(504) 831-7726

CODED
JUL 2 1990

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
A. THOMAS PORTEOUS, JR

DIV _____

Nº 394479

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

H.B. WHITE & SONS, INC.

Plaintiff

VS.

LIONEL HUTCHINSON: MAX HUTCHINSON: JOSEPH F. COMFORTO:, ET AL

Defendant

STANLEY MCDERMOTT, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing FEBRUARY 7, 1990 JL

HP Exhibit 0189 (52)

2978

#340

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 394-479 DIVISION " " DOCKET NO.

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

H. B. WHITE & SONS, INC.

VERSUS

LIONEL HUTCHINSON; MAX HUTCHINSON;
JOSEPH F. COMFORTO; CONSTANCE MARQUER AUCOIN;
KENNETH J. AUCOIN AND DALTON A. MASSON;

FILED: _____ _____
DEPUTY CLERK

CODED - 11

The petition of H.B. White & Sons, Inc., represented by its President, Harold B. White, Jr., with represent, represents:

I.

H. B. White & Sons, Inc. entered into a lease dated April 19, 1976 with Lionel Hutchinson as lessee. Said lease was recorded in Conveyance Office Book 865, folio 72 for the Parish of Jefferson.

II.

The lease related to the following described property:

PROPERTY DESCRIPTION

TWO CERTAIN PORTIONS OF GROUND, together with all the all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging, or in anywise appertaining, situated in the Parish of Jefferson, in that part known as HESSMER PARK SUBDIVISION, IN SQUARE 3 thereof, bounded by Division Street (formerly Lake Avenue), 18th Street (formerly 31st Street), Hessmer Avenue and Veterans Boulevard, designated as LOTS A-1 AND B-1, being a resubdivision of Lots 1, 2, 3 and 4 of Square 3, according to resubdivision plan by Curry Dixon & Sons, Inc., dated April 5, 1976, approved by Jefferson Parish Council Ordinance No. 12373,. adopted April 29, 1976, filed May 10, 1976, under Entry No. 718661, in COB 861, folio 499. And, in accordance with the survey by Mandle Surveying, Inc., Sterling E. Mandle, R.L.S., dated November 1, 1989, said portions of ground are more fully described as follows:

Lot A-1 forms the corner of 18th Street (formerly 31st Street) and Division Street (formerly Lake Avenue) and measures 82.95 feet front on 18th Street (formerly 31st Street), a width in the rear of 80.85 feet actual (80.15 feet title), by a depth and front on Division Street of 100.08 feet, and a depth on its opposite sideline adjoining Lot B-1 of 100.02 feet.

Lot B-1 adjoins Lot A-1 and commences 82.95 feet from the intersection of 18th Street (formerly 31st Street) and Division Street (formerly Lake Avenue), and measures thence 83.0 feet front on 18th Street (formerly 31st Street), same width in the rear, by a depth of 100.02 feet between equal and parallel lines.

The improvements thereon bear Municipal Number 3650 18th Street.

1 cert. [illegible] of appt
ISSUED 5 cts + petit
DATE FEB 20 1990
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Deputy Clerk

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THAT CERTAIN BUILDING more fully described as a one-story, renovated office building comprising approximately 1900 square feet, bearing Municipal No. 3650 18th Street, Metairie, Louisiana, located on the premises more fully described as follows:

That certain portion of ground situated in the Parish of Jefferson, State of Louisiana, in that part known as HESSMER PARK SUBDIVISION, IN SQUARE 3 thereof, bounded by Division Street (formerly Lake Avenue), 18th Street (formerly 31st Street), Hessmer Avenue and Veterans Boulevard, designated as LOT B-1, being a portion of a resubdivision of Lots 1, 2, 3 and 4 of Square 3, according to resubdivision plan by Curry Dixon & Sons, Inc., dated April 5, 1976, approved by Jefferson Parish Council Ordinance No. 12373, adopted April 29, 1976, filed May 10, 1976, under Entry No. 718661, in COB 861, folio 499. And, in accordance with the survey by Mandle Surveying, Inc., Sterling E. Mandle, R.L.S., dated November 1, 1989, Lot B-1 is more fully described as follows:

Lot B-1 adjoins Lot A-1 of Square 3 and commences 82.95 feet from the intersection of 18th Street (formerly 31st Street) and Division Street (formerly Lake Avenue), and measures thence 83.0 feet front on 18th Street (formerly 31st Street), same width in the rear, by a depth of 100.02 feet between equal and parallel lines.

III.

After execution of the lease, Lionel Hutchinson constructed the improvements on the leased premises and said Hutchinson and the other defendants made and entered into the following agreements pertaining to the leasehold improvements:

(a) That certain Agreement, dated April 19, 1976, between Lionel Hutchinson and Joseph F. Comforto, and consented to by H. B. White and Sons, Inc., which Agreement was recorded in C.O.B. 944, folio 768, Parish of Jefferson, State of Louisiana;

(b) That certain Sale with Mortgage, dated July 16, 1976, between Lionel Hutchinson and Max Hutchinson, which Sale with Mortgage was recorded in C.O.B. 878, folio 950, Parish of Jefferson, State of Louisiana;

(c) That certain Agreement, dated November 30, 1978, between Lionel Hutchinson and Constance Marquer, wife of, and Kenneth J. Aucoin, Margaret Cummings, wife of, and Ronald J. Gravois, Diane Corte, wife of, and Dalton A.

394479

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Masson, and Shirley Bower, wife of, and John J. Mirambell, Sr., which Agreement was recorded in C.O.B. 944, folio 770, Parish of Jefferson, State of Louisiana; and

(d) That certain Agreement, dated October 2, 1981, between Lionel Hutchinson and Margaret Cummings, wife of, and Ronald J. Gravois, Diane Corte, wife of, and Dalton A. Masson, and Shirley C. Bower, wife of, and John J. Mirambell, which Agreement was recorded in C.O.B. 1013, folio 49, Parish of Jefferson, State of Louisiana.

IV.

That in 1982 the lessee defaulted in making the lease payments due under the said lease and abandoned and vacated the leased premises and leasehold improvements.

V.

That on May 1, 1983 H.B. White & Sons, Inc., thereupon leased the land and improvements to Robert A. Westerlund for a term of eight years commencing June 1, 1983, a copy of said lease is annexed hereto and made part hereof. During 1987, Westerlund defaulted in his obligations as lessee and petitioner sued to have the lease cancelled and the purported sale of the leasehold improvements he had made to Earl Porche. A copy of the judgment ordering cancellation of the lease and purported sale is annexed and made part hereof.

VI.

That the inscriptions described as (a), (b), (c) and (d) of Article III hereof, are slandering the title to the leasehold improvements and petitioner is entitled to have the same removed and ordered cancelled insofar as they pertain to the improvements on the leased premises, because any right of the lessee or his assignees to the improvements was lost in 1982 upon the default by lessee and lessee's abandonment of the leasehold improvements.

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VII.

Petitioner is informed that the defendants, with the exception of Joseph F. Comforto, are residents of Louisiana; Comforto is a resident of Michigan but his address is unknown; a curator ad hoc should be appointed for Comforto.

WHEREFORE, petitioner prays that a copy of this petition be served upon the defendants; that after due proceedings there be judgment in favor of petitioner ordering the cancellation of the inscriptions insofar as the same affect the improvements on the premises hereinabove described.

Petitioner further prays that a curator ad hoc be appointed to represent the absent defendant, Joseph F. Comforto.

Stanley McDermott, Jr.
(La. Bar Roll No. 9273)
Attorney for petitioner
MONTGOMERY, BARNETT, BROWN,
READ, HAMMOND & MINTZ
3200 Energy Centre
1100 Poydras Street
New Orleans, LA 70163
Telephone: (504) 585-3200

CODED - 11

ORDER

Let Robert G. Creely, attorney-at-law, be and he is hereby appointed curator ad hoc to represent Joseph F. Comforto, defendant herein.

Gretna, Louisiana
February 9th, 1990

ON MINUTES
FEB 14 1990

JUDGE

Please Serve:

1) Lionel Hutchinson
4026 Platt Drive
Kenner, LA 70065

2) Max Hutchinson
3535 Houma Blvd., Apt. 248
Metairie, LA 70002

CODED - 117

$200. Curator fee

I, HEREBY CERTIFY THAT ALL COSTS INCURRED IN THIS MATTER HAVE BEEN PAID.

Deputy Clerk

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

3) Joseph F. Comforto
thru Curator Ad Hoc

_____

_____

_____

4) Constance Marquer Aucoin
9428 Citrus
River Ridge, LA

5) Kenneth Aucoin
9428 Citrus
River Ridge, LA

6) Dalton A. Masson
4125 Downman Rd.
New Orleans, LA 70126

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

№ 394566

DIV. A

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCATION

Plaintiff

vs.

NORMA JEAN SMITH, ALSO KNOWN AS NORMA JEAN MATTEI

Defendant

KENNETH J. BERKE,

Attorney for Plaintiff

Attorney for Defendant

Date of Filing FEBRAURY 8, 1990 JL

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2984

HP Exhibit 0189 (53)

32690 1805

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 394-566 DIVISION "A"

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

NORMA JEAN SMITH, ALSO KNOWN AS NORMA JEAN MATTEI

FILED: _____ _____ DEPUTY CLERK

FILED FOR RECORD MAR 15 11 36 AM '90

MOTION AND ORDER TO APPOINT ATTORNEY AT LAW
TO REPRESENT ABSENTEE DEFENDANT

CODED-7

On motion of FEDERAL NATIONAL MORTGAGE ASSOCIATION, through undersigned counsel, and on suggesting to the Court that as will appear from the record of these proceedings a due and diligent search has been made for the defendant, NORMA JEAN SMITH, ALSO KNOWN AS NORMA JEAN MATTEI but not withstanding such search the defendant has not been found; that this court has jurisdiction over the immovable property which is the subject of this petition for executory process; and that an attorney at law be appointed to represent the defendant as absentee upon whom all services can be made;

IT IS ORDERED BY THE COURT, that Robert C. Curry be and he is hereby appointed attorney at law to represent the absentee defendant, NORMA JEAN SMITH, ALSO KNOWN AS NORMA JEAN MATTEI and that he be served with all services directed to said defendant in these proceedings.

Gretna, Louisiana this 19th day of March, 1990.

CODED

JUDGE

MAR 21 1990 ON MINUTES

Respectfully submitted,

BERKE & INGOLIA
A PROFESSIONAL LAW CORPORATION
Attorneys for Plaintiffs
200 Oil & Gas Building
1100 Tulane Avenue
New Orleans, LA 70112
Telephone: 504/525-7703

By: _____
Kenneth J. Berke

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

994 766

PLEASE SERVE DEFENDANT
through his/her court appointed attorney
with notice of appointment and notice of demand

ISSUED not of appt w/ notice of demand

DATE MAR 22 1990 CODED

Deputy Clerk

DIV A
JUDGE
S. THOMAS PORTEOUS, JR.

DIV

Nº 395011

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS, ET AL

VS. *Plaintiff*

NIEVES IGNACIA LOPEZ, ET AL

Defendant

CHARLES H. RYAN
Attorney for Plaintiff

Attorney for Defendant

Date of Filing FEBRUARY 17 1990 JL

HP Exhibit 0189 (54)

32690 2737

STATE OF LOUISIANA - PARISH OF JEFFERSON

TWENTY-FOURTH JUDICIAL DISTRICT COURT

FILED FOR RECORD MAR 15 23 AM '90 CODED

FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS TRUSTEE, UNDER THAT BOND INDENTURE DATE AS OF JULY 1, 1979, BETWEEN PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY and FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA

FILED:

VS. NO. 395-011 A

NIEVES IGNACIA LOPEZ, ET AL

BY: _____
DEPUTY CLERK OF COURT

MOTION TO APPOINT ATTORNEY
TO REPRESENT ABSENTEES

NOW INTO COURT, through undersigned counsel, comes FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS TRUSTEE, UNDER THAT BOND INDENTURE DATE AS OF JULY 1, 1979, BETWEEN PARISH OF JEFFERSON HOME MORTGAGE AUTHORITY and FIRST NATONIAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, Plaintiff in the above entitled and numbered proceedings, and respectfully represents that:

1.

The Sheriff has been unable to locate or serve the defendant(s), NIEVES IGNACIA LOPEZ, in the Parish of Jefferson, or in the State of Louisiana and plaintiff is informed, believes and so pleads that said defendant(s) are non-resident(s) of the State of Louisiana, or in the alternative, that said defendant(s) are absentee(s) who have concealed themselves to avoid service of process, and further, that defendant(s) have not appointed an agent or legal representative to represent them in this state.

2.

The last known whereabouts of the defendant was 226 Incarnate Word Drive, Kenner, Louisiana 70065.

ISSUED Not appt w/not of demand
MAR 23 1990
DATE
M Landry
Deputy Clerk
395 011
MAR 21 1990

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3.

It is necessary that an Attorney-at-Law be appointed by the court to represent the absentee defendant(s), to receive the notice of seizure on behalf of the absentee defendant(s).

WHEREFORE, PLAINTIFF PRAYS that an Attorney-at-Law be appointed to represent the absentee defendant(s) in these proceedings, and that said defendant(s), NIEVES IGNACIA LOPEZ, be served with the notice of seizure and all other notices and citations required or permitted by law through said Attorney-at-Law in the manner and form provided by law; plaintiff further reiterates the prayers of the petition filed herein.

Respectfully submitted,

BOLES, BOLES AND RYAN, ATTORNEYS
1805 Tower Drive
P. O. Box 2065
Monroe, LA 71207-2065
Telephone: (318) 388-4050

BY: _____
Charles H. Ryan
Bar #11557

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, the undersigned legal authority in and for said Parish and State, personally came and appeared CHARLES H. RYAN, who first being duly sworn, did depose and say: That he is one of the attorneys for the plaintiff in the above and foregoing petition and that all of the allegations of fact contained therein are true and correct to the best of his knowledge, information and belief.

_____
Charles H. Ryan

SWORN TO AND SUBSCRIBED before me, Notary, on this 13th day of March, 1990.

_____
Notary Public

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

32690 2739

FILED
CODED - 11

ORDER

CONSIDERING THE FOREGOING MOTION,

IT IS ORDERED that Robert D. Curry, Attorney-at-Law be, and he is hereby appointed to represent the absentee defendant(s), NIEVES IGNACIA LOPEZ, and that said defendant(s) be served through said Attorney-at-Law with the notice of seizure and all other notices and citations required or permitted by law.

Gretna, Louisiana, this 19th day of March, 1990.

JUDGE, DISTRICT COURT

MAR 21 1990
MINUTES

CODED - 11

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA

DIV. A

JUDGE

DIV E. THOMAS PORTEOUS, JR.

Nº 394668

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

AMERICAN THRIFT AND FINANCE PLAN, INC.

Plaintiff

VS.

MELANIE S. WALKER

Defendant

DANIEL A. OPPENHEIM

Attorney for Plaintiff

Attorney for Defendant

Date of Filing FEBRUARY 12, 1990 bc

2990

HP Exhibit 0189 (55)

42790 0013

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 394-668 DIVISION " A " DOCKET NO.

AMERICAN THRIFT AND FINANCE PLAN, INC.

VERSUS

MELANIE S. WALKER CODED: 11

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT CURATOR TO REPRESENT ABSENTEE DEFENDANT

Now into court, through its undersigned counsel, comes American Thrift and Finance Plan, Inc., plaintiff herein, and respectfully represents to this honorable court:

1.

That certain property, namely a 1984 Ford Mustang automobile, 2-door, VIN #1FABP2832EF209958, which automobile is owned by the defendant, Melanie S. Walker, and which property is mortgaged to plaintiff herein, has been seized by the sheriff for the Parish of Jefferson, under a writ of Executory Process directed to him in this proceeding.

2.

That the written notice of seizure and sale issued in accordance with Article 2640 and 2641, LA.C.C.P. has been returned by the sheriff for the Parish of Jefferson with a notation that after a due and diligence search, he has been unable to locate the defendant at her domicile, or anyone authorized to represent her.

3.

That the said Melanie S. Walker is an absentee within the meaning and contemplation of Article 5251, LA.C.C.P. and that the whereabouts of the said defendant is unknown and she can not be found and served after a due and diligent search, though she may be domiciled or actually reside in the state, and that it is necessary that the court appoint an attorney at law to represent her and upon whom service can be made of notice of seizure and sale and against whom this proceeding can be conducted contradictorily,

WHEREFORE, plaintiff prays that an attorney at law be appointed by this honorable court to represent the absentee

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DATE APR 27 1990
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APR 26 1990

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defendant, Melanie S. Walker, upon whom all legal notices and proceedings shall be served and against whom this proceeding shall be conducted contradictorily.

RESPECTFULLY SUBMITTED:

Daniel A. Oppenheim

Daniel A. Oppenheim
116-G Terry Parkway
Gretna, LA 70056
(504) 362-1982
Bar Roll No. 18005

FILED APR 26 1990 DEPUTY CLERK

CODED: 11

ORDER

Considering the foregoing motion,

IT IS ORDERED by this court, that Robert G. Creely, atty be appointed as attorney at law, to represent the absentee defendant, Melanie S. Walker, upon whom all legal notices and proceedings shall be served; and that all proceedings against said defendant shall be conducted contradictorily against the aforesaid attorney at law as provided by law.

Gretna, Louisiana, this 25th day of April, 1990.

JUDGE

APR 26 1990 MINUTES

CODED: 11

PLEASE SERVE:

Melanie S. Walker
through curator ad-hoc
Robert G. Creely
901 Derbigny St.
Gretna La

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK 24TH JUDICIAL DISTRICT COURT PARISH OF JEFFERSON, LA.

394-068

DIV DIV. A JUDGE E. THOMAS PORTEOUS, JR.

395440

2993

Nº 395440

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL HOME LOAN MORTGAGE CORPORATION

Plaintiff

VS.

WILDA FINCG PRICE AND JANA SUE PRICE FINLEY

Defendant

J. DONALD MORGAN

Attorney for Plaintiff

Attorney for Defendant

Date of Filing FEBRUARY 12, 1990 JL

HP Exhibit 0189 (56)

0 0 0 0 DIV. A 0 2 7 CODED-11

JUDGE
G. THOMAS PORTEL...

#395-440

FEDERAL HOME LOAN MORTGAGE CORPORATION

NUMBER _____ DIVISION ___

24TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF JEFFERSON

WILDA FINCH PRICE and JANA SUE PRICE FINLEY

STATE OF LOUISIANA

PETITION FOR EXECUTORY PROCESS WITHOUT
APPRAISEMENT AND WITH NOTICE TO PAY

CODED-11

The petition of Federal Home Loan Mortgage Corporation, a corporation organized and existing under the laws of the United States, respectfully represents as follows:

1.

The defendants herein are Wilda Finch Price and Jane Sue Price Finley, whose addresses are unknown to petitioner; both of the full age of majority.

2.

The defendants are indebted, in solido, to plaintiff in the sum of SIXTY-EIGHT THOUSAND SEVEN HUNDRED NINE AND 41/100 DOLLARS ($68,709.41), together with interest thereon at the rate of Ten and 90/100 (10.90%) percent per annum from May 1, 1989, until paid, together with Ten (10%) percent additional upon the total amount due as stipulated attorney's fees, and for all costs of these proceedings, for the reasons hereinafter set forth.

3.

Plaintiff is the holder and owner of one (1) promissory note made and executed by defendants, Wilda Finch Price and Calvin Twain Price, dated August 29, 1980 in the principal amount of SEVENTY-THREE THOUSAND THREE HUNDRED AND NO/100 DOLLARS ($73,300.00), payable to the order of Carruth Mortgage Corporation, which note was to be paid in monthly installments of principal and interest of Six Hundred Ninety-two and 52/100 Dollars ($692.52) each, beginning on the first day of October, 1980. Such monthly installments shall continue until the entire indebtedness evidenced by the note is fully paid, except that any remaining indebtedness, if not sooner paid, shall be due and payable on September 1, 2010, said note stipulating Ten and 90/100 (10.90%) percent per annum interest on the unpaid balance until paid, and stipulating Ten (10%) percent additional on the sums due under the note, as attorney's fees; which original note, referenced to herein as the "mortgage note," is attached hereto

CODED-11

ISSUED 2 not of Demand w/not of appt

DATE MAR 12 1990

M Landers
Deputy Clerk

and made a part hereof, and to which special reference is made for more specific proof.

4

The mortgage note was paraphed "Ne Varietur" by Ronald A. Chevis, Notary Public, on August 29, 1980, to identify it with an Act of Mortgage executed on the same date by the said makers of the mortgage note, to and in favor of Carruth Mortgage Corporation in the same sum as the mortgage note, bearing upon the following described property to secure the payment of the mortgage note:

> THAT CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part hereof known as **WOODMERE SUBDIVISION, SECTION NUMBER ONE**, in accordance with the subdivision plan of J. J. Krebs & Sons, Inc., C. E., dated November 30, 1973, approved by the Jefferson Parish Council on January 17, 1974, registered in COB 808, folio 551, and Plan in accordance with survey by J. J. Krebs, & Sons, Inc., C. E., dated August 20, 1974, approved by the Jefferson Parish Council by Ordinance No. 11786, adopted September 12, 1974, registered as Entry No. 655-187, and in accordance therewith, said portion of ground is designated as follows:
>
> **LOT 364-B, SQUARE U**, is bounded by Deerpark Drive (side), Eastmere Street (side), Post Drive and Woodmere Blvd. Lot 364-B measures 59 feet front on Woodmere Blvd., same width in the rear, by a depth of 100 feet between equal and parallel lines. Lot 364-B commences at a distance of 426.75 feet from the corner of Woodmere Blvd. and Post Drive.

A certified copy of the said mortgage is attached hereto and made a part hereof and to which special reference is made for more specific proof. Said mortgage filed of record in the Office of the Clerk of Court for Jefferson Parish on August 29, 1980, as Entry Number 936068.

5.

By an authentic Notarial Endorsement and Assignment of Mortgage Note dated January 19, 1983, the mortgage note was assigned to Federal Home Loan Mortgage Corporation from Carruth Mortgage Corporation. The original of this act is attached hereto and made a part hereof and to which special reference is made for more specific proof. In addition, the mortgage note was paraphed for identification with said act and was endorsed without recourse to the order of Federal Home Loan Mortgage Corporation.

6.

By Judgment of Possession in the "Matter of the Succession of Calvin Twain Price, No. 388-109, 24th Judicial District Court, Parish of Jefferson, State of Louisiana", Jana Sue Price Finley inherited 1/2 of Calvin Twain Price's interest in the subject property. Said Judgment of Possession was signed October 1, 1989 and recorded October 4, 1989 at COB 2272, page 329, as Entry Number 89-51627.

7.

In the mortgage, the makers of the mortgage note consented that in the event of a default in the payment of the note or any installment thereon, or in the event of their failure to comply with any of the obligations enumerated therein, the whole indebtedness secured thereby shall, at the option of the mortgagee, become due and payable, and it shall be lawful for the mortgagee to cause all and singular the property therein mortgaged, to be seized and sold under either ordinary or executory process, with or without appraisement, to the highest bidder for cash, the said mortgagors expressly confessing judgment in favor of the mortgagee. Plaintiff herein specially pleads each and all of the stipulations and the provisions of the act of mortgage and mortgage note as fully and completely as though the whole and each of them were copied herein, particularly the express waiver of the benefit of appraisement as written therein.

8.

The mortgage is subject to credits on the principal in the total sum of FOUR THOUSAND FIVE HUNDRED NINETY AND 59/100 DOLLARS ($4,590.59), leaving an unpaid remainder of the principal of said mortgage note in the sum of SIXTY-EIGHT THOUSAND SEVEN HUNDRED NINE AND 41/100 DOLLARS ($68,709.41), with interest paid and credited up to May 1, 1989.

9.

The installment provided for in the note which was due and payable on the first day of June, 1989, and those due thereafter, have not been paid. Amicable demand has been made on the defendants, in accordance with the terms of the mortgage, but to no avail, evidence of which is attached hereto and made a part hereof, and therefore plaintiff has exercised and does exercise its option to declare the entire principal sum, interest, attorney's fees, escrow deficiencies, and all costs due and payable. Defendants have not paid these

amounts, and, as such, said amounts are presently in default and thus remain due and payable.

10.

On information and belief, petitioner alleges that Jana Sue Price Finley, defendant is these proceedings is an absentee, being absent and not represented in this state and an attorney at law should be appointed to represent her under the provisions of the Louisiana Code of Civil Procedures.

11.

On information and belief, petitioner alleges that Wilda Finch Price, a defendant is these proceedings, is an absentee, being absent and not represented in this state and an attorney at law should be appointed to represent her under the provisions of the Louisiana Code of Civil Procedures.

12.

Plaintiff does not desire to exercise its right to claim any deficiency which may be left unpaid after the sale of this property and, to that end, desires to have the property sold without benefit of appraisement.

WHEREFORE, the premises and the annexed documents being considered, plaintiff, Federal Home Loan Mortgage Corporation, prays that an attorney at law be appointed to represent the absentee defendant, Calvin Twain Price, and prays that an order of executory process and writ of seizure and sale immediately issue herein, that due notice of demand for payment be served on the defendants, and that, after the delay provided in the notice of demand for payment, the Sheriff of the Parish of Jefferson be directed to seize, and after due service of notice of seizure, advertisements, delays, requisites and formalities, to sell at public auction, <u>without appraisement</u>, to the highest bidder for cash payable immediately upon adjudication, the property described in the mortgage to pay and satisfy the claim of Federal Home Loan Mortgage Corporation in the principal sum of SIXTY-EIGHT THOUSAND SEVEN HUNDRED NINE AND 41/100 DOLLARS ($68,709.41) together with interest thereon at the rate of Ten and 90/100 (10.90%) percent per annum from May 1, 1989, until paid, together with Ten (10%)

percent additional upon the total amount due as stipulated attorney's fees, and for all costs of these proceedings.

By Attorneys,

KIZER, HOOD & AUSTIN

By: _____

J. Donald Morgan
748 Main Street
Baton Rouge, Louisiana 70802-5526
(504) 387-3121

VERIFICATION

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared J. Donald Morgan, who being first duly sworn, deposed that he is the attorney for plaintiff in the above and foregoing petition, and as such, duly authorized to execute this affidavit; that he has read the petition and all of the allegations of fact contained therein are true, to the best of his knowledge, information and belief.

J. DONALD MORGAN

SWORN TO AND SUBSCRIBED Before Me,

this 23rd day of February, 1990.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

0 0 0 0 0 0 3 0 2

FEDERAL HOME LOAN MORTGAGE CORPORATION

VERSUS

WILDA FINCH PRICE and JANA SUE PRICE FINLEY

NUMBER 395-440 DIVISION ___

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

MAR 1 1990

ORDER

CODED 11

The foregoing petition, attached documents and affidavit being considered:

LET Don C Gardner, an attorney at law admitted to practice before this court, whose address is _____ and whose telephone number is _____ be and said attorney is hereby appointed to represent the defendant herein, Wilda Finch Price;

LET Robert G Creely, an attorney at law admitted to practice before this court, whose address is _____ and whose telephone number is _____ be and said attorney is hereby appointed to represent the defendant herein, Jane Sue Price Finley;

FURTHER, IT IS ORDERED that executory process issue herein as prayed for and according to law, and after three (3) days from service of all notices to pay, a writ of seizure and sale issue herein to the Sheriff of the Parish of Jefferson, Louisiana, commanding him to seize immediately the said property and proceed to the sale thereof, without benefit of appraisement, according to law, to satisfy the demand of the plaintiff.

JEFFERSON, LOUISIANA, this 1st day of March 1990.

JUDGE, 24TH JUDICIAL DISTRICT COURT

MAR 2 1990

ON MINUTES

CODED 11

PLEASE SERVE THE FOLLOWING WITH THREE-DAY NOTICE TO PAY AND, SUBSEQUENTLY WITH NOTICE OF SEIZURE:

(1) Wilda Finch Price
Through the attorney at law appointed the represent her.

(2) Jana Sue Price Finley
Through the attorney at law appointed to represent her.

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

PROPERTY LOCATED AT:

2228 Woodmere Boulevard
Harvey, Louisiana 70058

Nº 395723

DIV DIV. A

G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

BARCLAYSAMERICAN/MORTGAGE CORPORATION

VS. *Plaintiff*

MICHAEL P. COLEMAN AND DEBRA WILLIS DAVIS AND MATTHEW A. DAVES

Defendant

THOMAS J. BRYNE, JR.
Attorney for Plaintiff

Attorney for Defendant

Date of Filing MARCH 5, 1990 JL

HP Exhibit 0189 (58)

3000

6 0 9 0 1 6 1 1

90-0074

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 395,723 DIVISION "A"

BARCLAYSAMERICAN/MORTGAGE CORPORATION

VERSUS

MICHAEL P. COLEMAN

AND

DEBRA WILLIS DAVES

AND

MATTHEW A. DAVES

CODED 2

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of BarclaysAmerican/Mortgage Corporation, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Debra Willis Daves and Matthew A. Daves, is unknown as appears from the Sheriff's return of the citation of file in these proceeding specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s) Debra Willis Daves and Matthew A. Daves.

CODED - 11
ISSUED Not to issue
DATE JUN 19 1990
Deputy Clerk

52090 1612

IT IS ORDERED BY THE COURT, that Robert G. Creely attorney at law be and he is hereby appointed curator ad hoc for defendant(s), Debra Willis Daves and Matthew A. Daves in these proceedings and that the writ of seizure and sale be issued herein and served upon said attorney at law.

Gretna, Louisiana, this 11th day of June, 1990

JUDGE

JUN 12 1990 ON MINUTES

CODED - 11

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: Thomas Byrne
THOMAS J. BYRNE, JR.
Louisiana Bar Roll #17501
JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
Attorney's for Plaintiff
601 Papworth Avenue - Suite 200
Metairie, LA 70005
(504) 831-7726

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

№ 395988

DIV DIV. A

JUDGE

G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

U.S. SECRETARY OF VETERANS AFFAIRS

Plaintiff

vs.

IRMA DUCOTE, WIFE OF/AND NOLAN JULIUS FIRMIN AND AJANET CHILDRESS, ET AL

Defendant

ALBERT F. WIDMER, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing MARCH 9, 1990 JL

395988

3003

HP Exhibit 0189 (59)

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 395-988 DIVISION: "A"

U.S. SECRETARY OF VETERANS AFFAIRS

VERSUS

IRMA DUCOTE, WIFE OF/AND NOLAN JULIUS FIRMIN AND JANET CHILDRESS, DIVORCED WIFE OF/AND SAMUEL W. HILTON

FILED:_____ DY.CLERK:_____

CODED

****

SUPPLEMENTAL PETITION

NOW INTO COURT, through undersigned counsel, comes the U.S. Secretary of Veterans Affairs, petitioner herein, and amends his original petition as follows:

1.

The Sheriff of Jefferson Parish, Louisiana, after a diligent search, has been unable to locate the defendants herein, IRMA DUCOTE, wife of/and NOLAN JULIUS FIRMIN, as will be evidenced from the Sheriff's return in these proceedings.

2.

Petitioner believes and therefore alleges that the defendants, IRMA DUCOTE, wife of/and NOLAN JULIUS FIRMIN, are absentees from the State of Louisiana, and that an attorney ad hoc should be appointed to represent them in these proceedings against whom all further proceeding herein should be carried on.

3.

WHEREFORE, Petitioner prays that an attorney ad hoc be appointed to represent the defendants, IRMA DUCOTE, wife of/and NOLAN JULIUS FIRMIN herein; that the said defendants be served with a copy of this Petition and the notice of seizure through said attorney ad hoc, the three day notice to pay having been waived in the Credit Sale, and that all further proceedings be carried on contradictorily against said attorney ad hoc.

Respectfully submitted,

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

CODED

ISSUED Not of appt

DATE MAY 30 1990

Deputy Clerk

ALBERT F. WIDMER, JR.
3201 Danny Park, Suite 107
Metairie, LA 70002
(504) 885-6657
Bar No.: 13454
Attorney for Petitioner,
THE U.S. SECRETARY OF VETERANS AFFAIRS

5 3 0 9 0 0 9 9

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared, ALBERT F. WIDMER, JR., who being by me first duly sworn, did depose and say that:

He is the attorney for the Petitioner in the above petition; he has read the same; all of the allegations contained therein are true and correct, to the bestof his information, knowledge and belief.

ALBERT F. WIDMER, JR.

Sworn to and subscribed before me this 29th day of May, 1990.

NOTARY PUBLIC

FILED
MAY 29 1990
DEPUTY CLERK

CODED

ORDER

Let Robert D. Creely, attorney at law, be and he is hereby appointed as attorney ad hoc to represent the defendants, IRMA DUCOTE, wife of/and NOLAN JULIUS FIRMIN, and let all further proceedings herein be carried on contradictorily against the said attorney ad hoc and his fee and expenses be taxed as costs.

READ, RENDERED AND SIGNED at Gretna, Louisiana, this 29th day of May, 1990.

CODED

J U D G E

MAY 30 1990

LAST KNOWN ADDRESS OF DEFENDANT:

27 Cynthia St.
Waggaman, LA 70094

PROPERTY ADDRESS:

27 Cynthia St.
Waggaman, LA 70094

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

395988

32790 0958

24th Judicial District Court for the Parish of Jefferson

STATE OF LOUISIANA

NO.393-826 DIVISION A DOCKET #

Blazer Financial Services, Inc.

VERSUS

George B. Powell & Christina Lovoi Powell

FILED_____ DEPUTY CLERK_____

CODED 2

SUPPLEMENTAL & AMENDING PETITION

The supplemental and amending petition of Blazer Financial Services, Inc. petitioner in the captioned proceeding, respectfully represents that:

I

The sheriff for the Parish of Jefferson, having made due and diligent effort to locate and serve Christina Lovoi Powell, defendant(s) herein, was unable to obtain service of the demand for payment and/or notice of seizure on Christina Lovoi Powell, as will appear by reference to the Sheriff's return filed herein.

Defendant, Christina Lovoi Powell, is an absentee within the meaning of the Code of Civil Procedure, and petitioner is entitled to have an attorney at law appointed to represent said defendant herein pursuant to Article 2674 of the Code of Civil Procedure.

WHEREFORE, petitioner prays that an attorney at law be appointed by the Court to represent defendant, Christina Lovoi Powell.

Stephen G. Sklamba

STEPHEN G. SKLAMBA
Attorney At Law
Suite 1107 - Galleria One
One Galleria Blvd.
Metairie, Louisiana 70001
Telephone [illegible]

ISSUED Net of appt w/ notice of demand

DATE MAR 26 1990

M Landry
Deputy Clerk

CODED

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

HP Exhibit 0189 (60)

32790 0959

24th Judicial District Court for the Parish of Jefferson

STATE OF LOUISIANA

NO.393-826 DIVISION A DOCKET #

Blazer Financial Services, Inc.

VERSUS

George B. Powell & Christina Lovoi Powell

FILED_____ DEPUTY CLERK_____

STATE OF LOUISIANA

PARISH OF JEFFERSON

Deborah Ernst, being duly sworn, deposes and says that she is the Branch Manager of Blazer Financial Services, Inc. petitioner herein, and that she has read all of the facts and allegations contained in the above supplemental & amending petition;

That same are all true and correct to the best of her knowledge, information and belief.

Deborah Ernst

Deborah Ernst

SWORN TO AND SUBSCRIBED BEFORE ME, NOTARY, THIS 12th DAY OF March, 1990.

Stephen G. Sklamba

NOTARY PUBLIC

ORDER

Considering the above and foregoing supplemental and amending petition;

IT IS ORDERED that Robert Creely, Attorney At Law, is hereby appointed to represent the absentee defendant, Christina Lovoi Powell.

Gretna, Louisiana, this 23rd day of March, 1990.

JUDGE

CODED

JOB MINUTES

MAR 26 1990

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON, LA.

Nº 397224

DIV ~~DIV.~~ A

JUDGE
R. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FIRST NATIONAL BANK

VS. *Plaintiff*

~~RICHLAND & ASSOCIATES, INC. AND RICHARD L. LANDRY A/K/A RICK LANDRY~~

Defendant

WARREN A. GOLDSTEIN
Attorney for Plaintiff

Attorney for Defendant

Date of Filing MARCH 29,1990 JL

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3008

HP Exhibit 0189 (61)

51690 0335

HIBERNIA NATIONAL BANK

versus

RICHLAND & ASSOCIATES, INC. and RICHARD L. LANDRY a/k/a RICK LANDRY

Filed:_____

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. ~~88-14434~~ 397-224 DIVISION "C" A

_____
Deputy Clerk

MOTION TO APPOINT CURATOR AD HOC

NOW INTO COURT, through undersigned counsel, comes Hibernia National Bank, plaintiff in the above entitled and numbered proceeding, and respectfully represents that:

I.

The Sheriff of St. Tammany Parish has been unable to serve the notice of seizure and notice to appoint appraiser issued herein on the defendants, Richland & Associates, Inc. through its Registered Agent and President, Richard L. Landry, and Richard L. Landry a/k/a Rick Landry.

II.

Plaintiff is informed, believes and alleges that defendants, Richland & Associates, Inc. and Richard L. Landry have moved from the State of Louisiana, and all attempts to locate them have failed, therefore it is necessary that the Court appoint an attorney at law to represent them and upon whom service of process may be made.

Donald G. Perez
Staff Attorney
Hibernia National Bank
Lending Law Division
313 Carondelet Street - Suite 910
New Orleans, Louisiana 70130
Telephone: (504) 587-3210

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
R. Hannah
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

ORDER

Considering the foregoing motion, it is ordered that Robert G. Creely be appointed as attorney at law to represent the defendants, Richland & Associates, Inc. and Richard L. Landry a/k/a Rick Landry, and that service of the notice of seizure and notice to appoint appraiser be made upon him.

Gretna, Louisiana, this 11th day of May 1990.

ISSUED not by appt for service

MAY 14 1990

CODED

4710.gsf

M Landis
Deputy Clerk

JUDGE

CODED

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92-0069

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO:430-148 DIVISION A

Coded 15

FILED FOR RECORD

APR 2 3:31

CLERK OF COURT PARISH OF JEFFERSON LA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

EDDIE J. RHODES, III

AND

SUNNY ANN BILLIOT MATA
(A/K/A SUNNY ANNE BILLIOT MCBROOM AND SUNNY A. CRABTREE)

FILED:_____ _____
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of Federal National Mortgage Association, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Eddie J. Rhodes, III and Sunny Ann Billiot Mata (a/k/a Sunny Anne Billiot McBroom and Sunny A. Crabtree) is unknown as appears from the Sheriff's return of the citation of file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s) Eddie J. Rhodes, III and Sunny Ann Billiot Mata (a/k/a Sunny Anne Billiot McBroom and Sunny A. Crabtree).

IT IS ORDERED BY THE COURT, that Robert L. Creely attorney at law be and he is hereby appointed curator ad hoc for defendant(s), Eddie J. Rhodes, III and Sunny Ann Billiot Mata

ISSUED Not of appt / not of demand

DATE APR 10 1992

S/ MYRA LANDRY

HP Ex. 0189(62)

0189 (62)

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(a/k/a Sunny Anne Billiot McBroom and Sunny A. Crabtree) in these proceedings and that the requisite three (3) day notice of demand for payment be issued herein and served upon said attorney, and after all necessary delays that a Writ of Seizure and Sale issue herein, and be served upon said attorney at law.

Gretna, Louisiana, this 7th day of April, 1992

CODED ON MINUTES APR 8 1992

JUDGE

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: Stacy C. Wheat

JANE FAIA MENTZ
Louisiana Bar Roll #17501
STACY C. WHEAT
Louisiana Bar Roll #19826
Attorney's for Plaintiff
3850 North Causeway Boulevard
Suite 710
Metairie, Louisiana 70002
(504)831-7726

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

C 1 4 1 4 9 2 0 2 8 5

FILED
APR 2 1992
Kim Bonano
DEPUTY CLERK

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared:

BEVERLY COGGINS

who, after being first duly sworn by me, Notary Public, did depose and state that she is the Collections Agent for Federal National Mortgage Association, the plaintiff in the above and foregoing matter, that she has read said motion to appoint an attorney to represent absent defendant(s) and that all of the allegations set forth therein are true and correct.

Beverly Coggins
BEVERLY COGGINS

SWORN TO AND SUBSCRIBED
BEFORE ME, NOTARY, THIS
30th DAY OF March, 1992.

Stacy C. Wheat
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A

DIV. JUDGE

Nº 397308

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FIRT GUARANTY MORTGAGE CORPORATION

Plaintiff

VS.

MARY AYMAMI RUSSELL AND RICHARD G. [RUSSELL, JR.

Defendant

THOMAS J. BYRNE, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing APRIL 2,1990 JL

PERMANENT

3013

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HP Exhibit 0189 (63)

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90-0147

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 397,308 DIVISION "A"

FIRST GUARANTY MORTGAGE CORPORATION

VERSUS

MARY AYMAMI RUSSELL

AND

RICHARD G. RUSSELL, JR.

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of First Guaranty Mortgage Corporation, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Mary Aymami Russell and Richard G. Russell, Jr., is unknown as appears from the Sheriff's return of the citation of file in these proceeding specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s) Mary Aymami Russell and Richard G. Russell, Jr..

IT IS ORDERED BY THE COURT, that Robert D. Creely attorney at law be and he is hereby appointed curator ad hoc for defendant(s), Mary Aymami Russell and Richard G. Russell, Jr. in

ISSUED not of appt
DATE MAY 14 1990 CODED
Deputy Clerk

these proceedings and that the writ of seizure and sale be issued herein and served upon said attorney at law.

Gretna, Louisiana, this 9th day of May, 1990

CODED

JUDGE

ON MINUTES
MAY 14 1990

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: Thomas Byrne

THOMAS J. BYRNE, JR.
Louisiana Bar Roll #17501
JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
Attorney's for Plaintiff
601 Papworth Avenue - Suite 200
Metairie, LA 70005
(504) 831-7726

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

PERMANENT

DIV. A

DIV JUDGE B. THOMAS PORTEOUS, JR.

397910

3016

Nº 397910

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

CITICORP MORTGAGE, INC. (FORMERLY CITICORP HOMEOWNERS, INC.)

Plaintiff

VS.

LISA L. MARBUT WAGUESPACK AND STEVEN J. WAGUESPACK AND JAMES E. GOETH

Defendant

THOMAS J. BYRNE, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing APRIL 11,1990 JL

HP Exhibit 0189 (64)

220 ad

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON CODED

STATE OF LOUISIANA

DIV. A JUDGE E. THOMAS PORTEOUS, JR.

NO. 397-910 DIVISION

CITICORP MORTGAGE, INC.
(FORMERLY CITICORP HOMEOWNERS, INC.)

VERSUS

LISA L. MARBUT WAGUESPACK

AND

STEVEN J. WAGUESPACK

AND

JAMES E. GOETH

PERMANENT

CODED

FILED: _____ _____
DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS
WITH BENEFIT OF APPRAISAL
REQUESTING ISSUANCE OF THREE (3) DAY NOTICE OF DEMAND

Note & Mortgage filed in Sept -11-90 CODED

The petition of Citicorp Mortgage, Inc. (formerly Citicorp Homeowners, Inc.), a corporation organized under the laws of the United States of America, with respect represents:

I.

Petitioner is the holder and owner for valuable consideration, and before maturity, of that certain promissory note, payable to the order of "Citicorp Homeowners, Inc.", made, subscribed and executed by, Lisa L. Marbut Waguespack and Steven J. Waguespack, defendants herein, which said note is dated May 10, 1985 in the original principal sum of Sixty-One Thousand Eight Hundred and No/100 ($61,800.00) Dollars with principal and interest payable at the rate of Seven Hundred Seven and 86/100 ($707.86) Dollars per month, commencing on the first day of July, 1985 and bearing Thirteen and One-Half (13.50%) percent per annum interest from date, and providing that said note shall bear attorney's fees in the amount of Twenty-Five (25%) percent of all sums due under said note, which said note is secured and is officially paraphed "Ne Varietur" for identification with an Act

ISSUED Not. of Appt. Not. of Dem.
DATE APR 20 1990
F. Morris
Deputy Clerk

CODED

43090 0811

of Mortgage passed before James A. Mounger, Notary Public, dated May 10, 1985 and which mortgage is recorded in Mortgage Office Book 1166, folio 264, Entry Number 8521179, Parish of Jefferson, State of Louisiana. Said note is secured by an Act of Mortgage in favor of "Citicorp Homeowners, Inc.", on the following described property, to-wit:

> THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon and all of the rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, in that part thereof known as CLAIBORNE PARKWAY, in SQUARE NO. 3 thereof, bounded by Claiborne Street (side), East boundary of the subdivision and Hawkston Street. Said portion of ground is designated as LOTS NOS. 4, 5 and 6, which said lot adjoin each other and measure each 24 feet front on Claiborne Drive, same in width in the rear, by a depth of 120 feet between equal and parallel lines. Lot No. 4 lies nearer to and commences at a distance of 72 feet from the corner of Claiborne Drive and Hawkston Street. All as more fully shown on survey of Gilbert, Kelly & Couturie, Inc., S&E, dated May 8, 1985.

II.

Citicorp Homeowners, Inc. has since changed its name to Citicorp Mortgage, Inc. Citicorp Mortgage, Inc. (formerly Citicorp Homeowners, Inc.), your petitioner herein is the last holder and owner of said note.

III.

In the above described Act of Mortgage, the said mortgagors Lisa L. Marbut Waguespack and Steven J. Waguespack, confessed judgment upon said note and consented that if same were not paid in accordance with the terms and conditions thereof, that said property might be seized and sold by executory process for cash with or without appraisement, and without the necessity of legal demand for payment, or putting in default. The said Act of Mortgage further provides that said mortgagors do not have the right to sell, alienate or encumber the said property to the prejudice of the said act. The said act further provides that the mortgagors will pay the fees of the attorney employed to collect the said note and mortgage, which said fees are fixed at Twenty-Five (25%) percent of the amount sued upon. Said mortgagors have likewise waived all homestead exemptions.

IV.

The said note and mortgage further provides that if any installment of principal and interest, or any part thereof shall remain unpaid on the said date when such installment is due, that the said note would be in default and the holder of the said note and mortgage shall then have the right to accelerate the terms thereof in the full amount, and the full unpaid balance in principal and interest shall immediately become due and owing together with said attorney's fees if the mortgagor fails to cure the default on or before the date specified in the notice of demand which is required to be given under the terms of the said mortgage.

V.

The said mortgage further provides that if the monthly payments stipulated in said act of Mortgage are in arrears "Borrower shall pay to Lender a late charge of four (4%) percent of any monthly installment of principal and interest as provided in the Note not received by Lender within fifteen (15) days after such installment is due". That the current monthly payments of principal and interest are in the sum of $707.86, which allows the lender to charge a late charge of $28.31 on each installment of principal and interest delinquent in excess of fifteen (15) days.

VI.

Petitioner avers that the said Lisa L. Marbut Waguespack and Steven J. Waguespack did, by an act of cash sale with assumption of mortgage passed before Diane M. Gravois, Notary Public, dated April 10, 1986, recorded in Mortgage Office Book 1481, Page 0249, Jefferson Parish, Louisiana, grant, bargain, sell and convey said property to James E. Goeth. That in said act of cash sale with assumption of mortgage the said James E. Goeth did assume and obligate himself to all of the original terms and conditions of the note and mortgage sued upon herein.

VII.

Petitioner avers that the said note and mortgage are past due and exigible and that the monthly installment due on November

1, 1989 and all subsequent installments are due and unpaid, and that because of said default and the failure of mortgagor to cure same within the date specified in the notice of demand which was given in accordance with the terms of the said mortgage, the entire unpaid principal balance in the sum of $60,070.52 together with interest at the rate of Thirteen and One-Half (13.50%) percent per annum from October 1, 1989, together with late charges of $28.31 on each delinquent installment of principal and interest since November 16, 1989, together with attorney's fees in the amount of Twenty-Five (25%) percent of all sums due under said note and mortgage.

VIII.

Petitioner annexes hereto and makes a part hereof the following documents (1) The original promissory note in the sum of Sixty-One Thousand Eight Hundred and No/100 ($61,800.00) Dollars, marked as Plaintiff's Exhibit "A", (2) A certified true copy of the act of mortgage, marked as Plaintiff's Exhibit "B", (3) A certified true copy of the act of cash sale with assumption of mortgage by Lisa Marbut, wife of/and Steven J. Waguespack to James E. Goeth, marked as Plaintiff's Exhibit "C", and (4) Petitioner's affidavit of compliance with all required notices of demand, marked as Plaintiff's Exhibit "D", and makes all a part hereof as though copied at length herein.

IX.

Petitioner alleges that the defendants, Lisa L. Marbut Waguespack, Steven J. Waguespack and James E. Goeth, are not in the military service of the United States of any of its allies. Petitioner further alleges that the defendants, Lisa L. Marbut Waguespack and Steven J. Waguespack are currently residing at 4224 W. Pyrancantha Drive, Tuscon, Arizona 85704 and that the defendant James E. Goeth is currently residing at 323 Overlook Lake, Boulder, Colorado 80302-9444, and accordingly are absentee defendants. Petitioner alleges that it is entitled to the appointment of an attorney to represent defendants, Lisa L. Marbut Waguespack, Steven J. Waguespack and James E. Goeth, all in accordance with Civil Code of Procedure Article 5091.

IX.

Petitioner alleges amicable demand to no avail, particulary that all notices of demand have been complied with as evidenced by the annexed affidavit.

WHEREFORE, the premises and annexed documents and affidavit considered, petitioner prays that this court appoint a curator ad hoc to represent absent defendants in these proceedings, and that a writ of Executory Process issue herein, that the Three (3) Day Notice of Demand be served upon said curator ad hoc appointed to represent said absentee defendants, and that after the necessary and proper delays be had, that a Writ of Seizure and Sale issue herein, directing the Civil Sheriff for the Parish of Jefferson, State of Louisiana, to seize, and after due advertisement, delays, requisites and formalities, save those expressly waived in the above described act of mortgage, to sell the said property described above according to the law, for cash and with benefit of appraisal, to pay and satisfy the claim of your petitioner in the full sum of $60,070.52 Dollars, with interest thereon at the rate of Thirteen and One-Half (13.50%) percent per annum from October 1, 1989, together with late charges of $28.31 on each delinquent monthly installment since November 16, 1989, together with attorney's fees in the amount of Twenty-Five (25%) percent of all sums due, owing and unpaid, and all costs of these proceedings, and petitioner prays to be paid the above amount by preference and priority over all persons whatsoever, and for all other general and equitable relief.

SHAPIRO AND KREISMAN

BY

THOMAS J. BYRNE, JR.
Louisiana Bar Roll No. 17501
JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
Attorney's for Petitioner
601 Papworth
Suite 200
Metairie, Louisiana 70005
Telephone No. (504) 831-7726

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

43090 0815

FILED
APR 17 1990
DEPUTY CLERK

ORDER

CODED

CONSIDERING the allegations of the foregoing petition and the exhibits attached thereto, it is ordered that Robert G. Creely attorney at law be and is hereby appointed to represent the absent defendants, Lisa L. Marbut Waguespack, Steven J. Waguespack and James E. Goeth, herein.

IT IS FURTHER ORDERED that Executory Process issue herein, as prayed for and according to law and that the writ of seizure be served upon the attorney at law appointed to represent the absent defendants, Lisa L. Marbut Waguespack, Steven J. Waguespack and James E. Goeth.

Gretna, Louisiana, this 17th day of April, 1990

JUDGE

CODED

ON MINUTES
APR 18 1990

PLEASE SERVE

Robert G. Creely
Attorney at Law appointed
to represent Lisa L. Marbut
Waguespack and Steven J.
Waguespack

AND

Robert G. Creely
Attorney at Law appointed
to represent James E. Goeth

AND

FOR PURPOSES OF NOTICE
PLEASE SERVE THE GUARANTORS

Antonio L. Santangelo Waguespack
1620 Webster Street
Kenner, Louisiana 70062

AND

Joseph D. Waguespack
1620 Webster Street
Kenner, Louisiana 70062

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV DIV. A
JUDGE
R. THOMAS PORTEBUS, JR.

Nº 397929

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FRANKLIN SAVINGS ASSOCIAITON

Plaintiff

VS.

JOYCE RICHARDSON DALES, IWFE OF AND ALLEN DALES AND DIGNA SEPULVEDA, ET AL

Defendant

IRA J. MIDDLEBERG

Attorney for Plaintiff

Attorney for Defendant

Date of Filing APRIL 11,1 990 jl

43090 0836

255

CODED-11

DIV. A
JUDGE
G. THOMAS PORTEDUS, JR.

NMC 1866-0046/ LOAN NO. 519260

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 397-929

DIVISION

FRANKLIN SAVINGS ASSOCIATION

CODED-11

VERSUS

JOYCE RICHARDSON DALES, WIFE OF/AND ALLEN DALES
AND DIGNA SEPULVEDA HUNTER, DIVORCED WIFE OF/AND CARL B. HUNTER

PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

The petition of FRANKLIN SAVINGS ASSOCIATION, a corporation organized under the laws of the State of Kansas, and authorized to do and doing business in the Parish of Jefferson, State of Louisiana, with respect represents that:

1.

Defendants, Joyce Richardson Dales and Allen Dales and Carl B. Hunter, are persons of the full age of majority whose whereabouts are unknown to petitioner.

Defendant, Digna Sepulveda Hunter, is a person of the full age of majority and resident of and domiciled in the Parish of Jefferson, State of Louisiana.

CODED-11

2.

The defendants are jointly, severally and solidarily liable unto petitioner for the following reasons, to-wit:

3.

Petitioner is the holder and owner in due course for valuable consideration and before maturity of a certain promissory note executed by Joyce Richardson Dales wife of/and Allen Dales, payable to the order of "BEARER", in the principal sum of SEVENTY THOUSAND

file note + mortgage in vault

ISSUED not of appt
APR 24 1990
DATE
M Landry
Deputy Clerk

AND NO/100 ($70,000.00) DOLLARS, dated June 10, 1980, payable in monthly installments, including principal and interest, beginning August 1, 1980 and on the first day of each month thereafter until principal and interest are fully paid, the last monthly payment, if not sooner paid, being due and payable on July 1, 2010, and which note bears interest at the rate of 11 1/2% per annum on the unpaid balance from date, and which note was paraphed "Ne Varietur" for identification with and secured by an Act of Credit Sale dated June 10, 1980, passed before Jon A. Gegenheimer, Notary Public and two witnesses and recorded in Entry No. 928895, and MOB 799, folio 10, acquired at COB 984, folio 788, of the official records for the Parish of Jefferson, State of Louisiana. The original of said note is attached hereto and mae a part hereof and marked "P-1" for identification. A certified true copy of the Act of Sale and Mortgage is attached hereto and made a part hereof and marked "P-2" for identification.

4.

Further, Progressive Mortgage Corporation did assign, transfer, convey and deliver all of its rights, title and interest in and to the above described promissory note unto Carruth Mortgage Corporation by Act of Endorsement of Note, in authentic form, dated July 15, 1980, executed by John B. Tarantino, President and by Fred C. Piazza, Treasurer, and passed before Brenda H. Fontenot, Notary Public and two witnesses. A copy of said Act of Endorsement of Note is attached hereto and made a part hereof and marked "P-3" for identification.

5.

Further, Mellon Financial Services Corporation #7, formerly known as Carruth Mortgage Corporation did assign, transfer, convey and deliver all of its rights, title and interest in and to the above described promissory note unto Franklin Savings Association by Assignment of Mortgages, in authentic form, dated August 31,

1989, executed by Carol B. Biondi, Vice President-Administrative and by Sally Hyatt, Assistant Secretary, and passed before Debbie S. Detinne, Notary Public and two witnesses. A copy of said Assignment of Mortgages is attached hereto and made a part hereof and marked "P-4" for identification.

6.

Further, plaintiff avers that it is the current holder of the aforesaid note, regardless of the endorsement mistakenly placed on the reverse of said note by Carruth Mortgage Corporation, as is shown more fully in that certain Ratification of Cancellation of Endorsement of Note executed by Mellon Financial Services Corporation #9, formerly known as Mellon Financial Services Corporation #7, formerly known as Carruth Mortgage Corporation on March 12, 1990, in authentic form, passed before Bonita M. Bishop, Notary Public, and two witnesses, the original of which document is attached hereto, made a part hereof, and marked "P-5" for identification.

7.

Digna Sepulveda Hunter and Carl B. Hunter did assume the indebtedness evidenced by the aforesaid note and acquired the property described hereinbelow from Joyce Richardson Dales and Allen Dales, by Act of Sale and Assumption dated September 30, 1982, and passed before James S. Arceneaux, Notary Public, and two witnesses and which Act of Sale and Assumption was duly recorded in COB 1033, folio 322, Entry No. 1031119 of the official records for the Parish of Jefferson, State of Louisiana. A certified true copy of the Act of Sale and Assumption is attached hereto and made a part hereof and marked "P-6" for identification.

8.

Digna Sepulveda Hunter did acquire the property described hereinbelow from Carl B. Hunter, by Partial Partition of Community Property by and between Digna Sepulveda divorced wife of/and Carl

B. Hunter dated July 6, 1989, and passed before illegible Notary Public, and two witnesses and which Partial Partition of Community Property was duly recorded in MOB 2576, folio 606 and in COB 2230, folio 21, Entry No. 89-29659 of the official records for the Parish of Jefferson, State of Louisiana. A certified true copy of the Partial Partition of Community Property is attached hereto and made a part hereof and marked "P-7" for identification.

9.

By virtue of the aforementioned act(s), defendants did specially mortgage, affect and hypothecate unto and in favor of your petitioner, and any other holder or holders of said note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

> ONE CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining situated in the PARISH OF JEFFERSON, State of Louisiana, in SQUARE NO. 106 of AIRLINE PARK NORTH, bounded by CRISTINE STREET, EISENHOWER AVENUE, GLENN STREET and FRANKEL AVENUE, designated as LOT NO. 19, on a survey made By Gilbert, Kelly and Coutirie, Inc., Sur., dated October 7, 1978, a copy of which is annexed to the vendor's act of purchase, passed before E.G. Miranne, Jr., Notary, 11/6/78, and according thereto, said LOT commences at a distance of 185 feet from the corner of CRISTINE STREET and EISENHOWER AVENUE, measures thence 60 feet front on CRISTINE STREET, the same width in the rear, by a depth of 105 feet between equal and parallel lines.
>
> Improvements thereon bear the Municipal No. 6912 CRISTINE STREET.

10.

By virtue of the act referred to in Paragraph 3 hereinabove, defendants confessed judgment upon the note, and consented that if the same was not paid in accordance with the terms and stipulations of said note and the aforesaid act(s), the property might be seized and sold under executory process, for cash and <u>with appraisement</u>, defendants having waived the demand for payment as provided for in Article 2639 of the Louisiana Code of Civil Procedure.

43090 0834

11.

The defendants have failed to pay the installment due August 1, 1989 and all subsequent installments due under said note.

12.

Defendants are therefore in default under the terms and conditions of the aforesaid note and act(s).

13.

Therefore, **FRANKLIN SAVINGS ASSOCIATION** has exercised its right of acceleration as the holder of the aforesaid note and declares the entire balance of said note due and payable, which balance consists of unpaid principal in the amount of $65,794.11, interest at the rate of 11 1/2% per annum from July 1, 1989, until paid, together with reasonable attorney's fees upon said principal and interest, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

14.

By virtue of the terms of the aforementioned note and act(s) defendants agreed to pay reasonable attorney's fees upon the amounts due under said note for the attorney at law who might be employed to institute proceedings to recover the amounts due under said note.

15.

This Court has jurisdiction over the property affected and encumbered by the act described in Paragraph 3 hereinabove; but because defendants, Joyce Richardson Dales, Allen Dales and Carl B. Hunter, are absentees who cannot be served personally with process, an attorney at law should be appointed to represent them.

16.

By virtue of paragraph 14 of said Act of Credit Sale,

defendants waived any and all notice of demand.

WHEREFORE, the premises annexed and documents considered, petitioner prays for an order of executory process herein, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and with appraisement, to pay and satisfy the claim of your petitioner in the principal sum of $65,794.11, with interest at the rate of 11 1/2% per annum from July 1, 1989 until paid, together with reasonable attorney's fees upon said principal and interest, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

Petitioner further prays that out of the proceeds of the sale, it be paid in preference and priority over all other persons and entities.

Petitioner further prays that an attorney at law be appointed to represent the absent defendants in this proceeding.

MIDDLEBERG, RIDDLE & GIANNA
201 ST. CHARLES AVENUE - 31ST FLOOR
NEW ORLEANS, LOUISIANA 70170-3100
TELEPHONE: (504) 525-7200
ATTENTION: FORECLOSURE DEPARTMENT

IRA J. MIDDLEBERG
BAR NO. 9640

PLEASE SERVE NOTICE OF SEIZURE ON:

JOYCE RICHARDSON DALES, ALLEN DALES
AND CARL B. HUNTER
THROUGH COURT APPOINTED COUNSEL

AND

DIGNA SEPULVEDA HUNTER
5108 ALEXANDER DRIVE
METAIRIE, LOUISIANA 70003

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

43090 0836

FILED
APR 17 1990
DEPUTY CLERK

CODED

ORDER

CONSIDERING THE FOREGOING,

LET executory process issue herein as prayed for and according to law.

FURTHER, LET Robert G. Creely, attorney at law, be appointed to represent the absent defendants, Joyce Richardson Dales, Allen Dales and Carl B. Hunter, in this proceeding.

GRETNA, LOUISIANA, this 17th day of April, 1990.

ON MINUTES
APR 18 1990

JUDGE

CODED

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
L. THOMAS PORTEBUS, JR.

Nº 398467

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

TROY & NICHOLS, INC.

Plaintiff

VS.

EARL HARRY LEWIS HECTOR OROZCO, JR. KELLY LEIGH LEDET

Defendant

GEORGE B. DEAN, JR.
Attorney for Plaintiff

Attorney for Defendant

Date of Filing APRIL 23,1990 JL

PERMANENT

5 1 3 9 0 0 3 1 2

HP Exhibit 0189 (67)

3031

50390 0313

#220

CODED-11

STATE OF LOUISIANA * PARISH OF JEFFERSON * 24TH DISTRICT COURT

TROY & NICHOLS, INC.

VS. NO. 398-467

FILED: _____

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

DEPUTY CLERK

EARL HARRY LEWIS
HECTOR OROZCO, JR.
KELLY LEIGH LEDET

CODED-11

PERMANENT

PETITION FOR EXECUTORY PROCESS

The petition of TROY & NICHOLS, INC., a Louisiana corporation authorized to do business in Jefferson Parish, Louisiana, respectfully represents:

1.

The defendants are EARL HARRY LEWIS, owner of the property described in Paragraph 7 (Exhibit D), resident of Marrero, Jefferson Parish, Louisiana, and HECTOR OROZCO, JR., maker of the promissory note attached as Exhibit A, resident of Harvey, Jefferson Parish, Louisiana, and KELLY LEIGH LEDET, maker of the promissory note attached as Exhibit A, whose whereabouts are unknown.

2.

Defendants owe plaintiff principal of $48,828.76, interest thereon at 12.000% per annum from July 1, 1989, amounts due for taxes and insurance premiums at the rate of $37.77 per month from August 1, 1989 through January 31, 1990, and at the rate of $36.77 from February 1, 1990, any additional amount which plaintiff hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of 10% of all amounts due, subject to a credit of $108.26, and all costs.

CODED-11

3.

The indebtedness due plaintiff is represented and secured by the following authentic evidence:

(a) Original promissory note paraphed for identification with the act of mortgage and/or privilege (Exhibit A);

(b) Certified copy of act of mortgage and/or privilege importing a confession of judgment (Exhibit B);

(c) Original of Act of Endorsement of Note and Assignment of Note and Mortgage (Exhibit C).

CODED-11

ISSUED Not of Appt w/ Pet.

APR 26 1990

DATE _____

F. Morin
Deputy Clerk

4.

Plaintiff enjoys the benefit of the following:

(a) Confession of judgment;
(b) Pact de non alienando;
(c) Waiver of appraisement;
(d) Waiver of demand for payment;
(e) Waiver of homestead exemption;
(f) Right to accelerate for nonpayment.

5.

The defendants defaulted on (breached) the note and mortgage by failing to pay, when due, the monthly installment for August 1, 1989, and defendants remained in default by thereafter failing to pay, in full, such installment and all successive monthly installments and other amounts due on the note and mortgage before plaintiff accelerated the entire indebtedness represented by the note and mortgage which entire indebtedness remains unpaid.

6.

Defendants are not entitled to the benefit of the Soldiers & Sailors Civil Relief Act of 1940.

7.

Plaintiff is entitled to enforce its mortgage and/or privilege on the following described property in an executory proceeding, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in T 14 S, R23 E, West of the Mississippi River, said piece of land being a part of Ames Farms in Jefferson Parish, State of Louisiana, and according to a plan of survey made by William E. Cloutet, Surveyor, dated February 16, 1962, a copy of which is annexed to an Act before Gordon L. Bynum, N.P. dated April 9, 1962 said tract is designated as Parcel "B". Said tract is more fully described on plan of J. J. Krebs & Sons, Inc., dated December 5, 1983 and is described as Plot "Y", and further by resubdivision approved by the Jefferson Parish Council under Ordinance Number 16035 dated May 23, 1984, recorded under Notarial Entry No. 84-28861 said parcel of land is designated as SIEVERS SUBDIVISION, and is more fully described as follows: LOT 48, SQUARE B, is bounded by SOUTH OAK DRIVE, AMES BOULEVARD (side), NORTH OAK DRIVE (side), and MT. SHASTA LANE, commences at a distance of 528 feet from the intersection of Mt. Shasta Lane and South Oak Drive, and measures thence 43 feet front on South Oak Drive, same width in the rear, by a depth of 95 feet between equal and parallel lines. All in accordance with a survey by BFM Corporation, dated February 4, 1985, and resurveyed June 28, 1985 to show improvements. Improvements thereon bear the Municipal Number 5908 South Oak Drive, Marrero, Louisiana, 70072; subject to restrictions, servitudes, rights-of-way and outstanding mineral rights of record affecting the property.

8.

The whereabouts of defendant, KELLY LEIGH LEDET, are unknown. Therefore, an attorney at law should be appointed to represent said defendant upon whom service of seizure and any other required services might be made.

WHEREFORE, PLAINTIFF PRAYS that:

I. A writ of seizure and sale issue to sell the property described in Paragraph 7 above without appraisal and from the proceeds thereof to pay the amount owed plaintiff, to-wit: $48,828.76, interest thereron at 12.000% per annum from July 1, 1989, amounts due for taxes and insurance premiums at the rate of $37.77 per month from August 1, 1989 through January 31, 1990, and at the rate of $36.77 from February 1, 1990, any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of 10% of all amounts due, subject to a credit of $108.26, and all costs hereof and

II. The Clerk issue the writ of seizure and sale immediately.

III. An attorney at law be appointed as Curator ad Hoc upon whom service of seizure and any other required services might be made.

THOMPSON, SPARKS, DEAN & MORRIS
1401 Royal Avenue
P. O. Box 2867
Monroe, Louisiana 71207

BY: _____
George B. Dean, Jr.

ATTORNEYS FOR PLAINTIFF

PLEASE SERVE DEFENDANTS AT:

EARL HARRY LEWIS
5908 S. Oak Drive
Marrero, LA 70072

HECTOR OROZCO, JR.
1913 Hampton Drive
Harvey, LA 70058

KELLY LEIGH LEDET
through her court appointed attorney, her whereabouts are unknown.

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
_____
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

This is the property address: 5908 S. Oak Drive
Marrero, LA 70072

50390 0316

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, the undersigned authority, personally came and appeared GEORGE B. DEAN, JR., who, being by me first duly sworn, deposed and said that he is the attorney for petitioner herein and that the allegations of fact contained herein are true and correct to the best of his knowledge, information and belief.

George B. Dean, Jr.

SWORN TO AND SUBSCRIBED
before me this 20th day
of April, 1990.

Notary Public

FILED
APR 24 1990
DEPUTY CLERK

CODED

ORDER

Considering plaintiff's petition and the exhibits and finding that plaintiff is entitled hereto,

IT IS ORDERED that a writ of seizure and sale issue commanding the Sheriff to seize and sell the property described in Paragraph 7 of the petition affected by the mortgage and/or privilege as prayed for and according to the law.

IT IS ORDERED that Robert Cerly, Attorney at Law, be appointed as Curator ad Hoc upon whom service of notice and any other required services might be made.

Gretna, Louisiana, this 24th day of April, 1990.

JUDGE

CODED

APR 28 1990
ON MINUTES

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A

DIV JUDGE A. THOMAS PORTEOUS, JR.

Nº 399387

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FIFTH DISTRICT SAVINGS & LOAN ASSOCITION

Plaintiff

VS.

EMELINA PERES TRENCO

Defendant

GEORGE PIVACH, II

Attorney for Plaintiff

Attorney for Defendant

Date of Filing MAY 10,1990 JL

PERMANENT

5 2 1 9 0 3 1 7 5

3036

HP Exhibit 0189 (68)

$150—

2190 3177 CODED

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON
STATE OF LOUISIANA

DIV. A

No: 399-387 DIVISION " " DOCKET NO:

JUDGE
G. THOMAS PORTEOUS, JR.

FIFTH DISTRICT SAVINGS & LOAN ASSOCIATION

VERSUS

EMELINA PERES TRENCO

FILED:_____ _____
DEPUTY CLERK

CODED

PERMANENT

PETITION FOR EXECUTORY PROCESS

The petitioner, Fifth District Savings & Loan Association, (formerly Fifth District Homestead Society), a Louisiana corporation having its domicile in the City of New Orleans, State of Louisiana, with respect represents that:

I.

Petitioner is the holder and owner, for valuable consideration, of a promissory note, dated August 31, 1978, made and subscribed by Emelina Peres Trenco, hereinafter called defendant, of the full age of majority and resident of the State of Florida, to the order of Fifth District Homestead Society, now Fifth District Savings & Loan Association, petitioner herein, payable in accordance with the charter of said petitioner, and under the agreements and stipulations as set forth in the act within which said note is identified for the full sum of THIRTEEN THOUSAND SIX HUNDRED AND 00/100 ($13,600.00) DOLLARS, for value received, with interest at the rate of TEN (10%) percent per annum from date of said note until paid, said interest being payable monthly at the office of said petitioner, all in accordance with the charter of the petitioner, and which note is paraphed "Ne Varietur" for identification with an act of sale and mortgage dated August 31, 1978 passed before Kent Satterlee, Jr., Notary Public, in and for the Parish of Orleans, State of Louisiana, wherein the petitioner for the price and sum of THIRTEEN THOUSAND SIX HUNDRED AND 00/100 ($13,600.00) DOLLARS sold to defendants in settlement of which purchase price for the defendants gave their note in the said sum of THIRTEEN THOUSAND SIX HUNDRED AND 00/100 ($13,600.00) DOLLARS, the following described property, to-wit:

CODED

MAY 17 1990

file note & mortgage in Rec'd

ISSUED not of appt CODED
DATE MAY 17 1990
M Landis
Deputy Clerk

5 2 1 9 0 3 1 7 8

ONE CERTAIN LOT OF GROUND, together with all the rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining, situated in, lying and being in the City of Westwego, PARISH OF JEFFERSON, State of Louisiana, according to plan of Alvin E. Hotard and Clifford G. Webb, Civil Engineers, dated May 3, 1941 as per sixth revision dated April 13, 1947, a copy of which is attached to act of sale by Marrero Land & Improvement Assn. Ltd., to Mr. and Mrs. Clenece J. Alleman, passed before Louis H. Marrero, N.P., of Jefferson Parish, dated February 1, 1949 and forming part of what is known as WHITEHOUSE SUBDIVISION, and according to said plan said lot is designated as Lot No. 35 of Square No. 37, which said Square is bounded by TENTH and ELEVENTH STREETS, AVENUES "B" and "C", said lot measures 32 feet front on Avenue "C", the same width in the rear, by a depth between equal and parallel lines of 125.81 feet.

According to survey of Wilton J. Dufrene, Land Surveyor, dated August 16, 1978, Lot 35 of Square 37 has the same measurements, designations and location as set forth hereinabove except it shows Lot 35 commencing at a distance of 96 feet from the intersection of Avenue C and Tenth Street.

The improvements thereon bear Municipal No. 1114 Avenue C.

Being the same property acquired by Margaret Guillot, wife of/and Vincent Phillip, Jr. from Fifth District Homestead Society, per act before Miles J. Blazek, Jr., Notary Public, dated August 1, 1974, registered in C.O.B. 819, folio 814.

Being the same property acquired by Emelina Peres Trenco by act before Kent Satterlee, Jr., Notary Public, dated August 31, 1978, registered in COB 937, folio 411.

II.

That act of sale and mortgage was duly registered in COB 937, folio 411 , records of Jefferson Parish, and was also recorded in MOB 746, folio 67, records of said parish. All of the same will more fully appear from the original of said note which is attached hereto and made a part hereof, and which is marked "Exhibit A", and from a certified copy of the act of sale and mortgage which is also attached hereto, and made a part hereof and is marked "Exhibit B".

III.

In the said act of sale and mortgage, petitioner retained the vendor's lien and privilege and defendants granted a special mortgage under the pact "De Non Alienando", upon the said property to secure the payment of said note, with interest, attorney's fees, taxes and insurance premiums, all as set forth in said act of sale and mortgage.

IV.

In the said act of sale and mortgage, the said defendants confessed a judgment upon the note and consented that if payment was not made in accordance with the terms and stipulations of the

act, the mortgaged property might be seized and sold by executory process for cash and without appraisement, the said mortgagor having dispensed with appraisement thereof and waived and renounced the benefits of appraisement.

V.

To further secure the payment of said note, the said defendants gave to petitioner in pledge, all of the installments paid or to be paid in monthly reduction shares of the petitioner, represented by certificate number 9296 all in accordance with the terms and provisions of the charter and by-laws of petitioner; and they further bound themselves to pay monthly the sum of ONE HUNDRED THIRTY ONE AND 26/100 ($131.26) DOLLARS and agreed that should they fail to pay the said interest and installments, or any portion thereof, on the said note, such failure would, without putting said defendants in default, make the promissory note, with all interest thereon and costs and expenses incurred in accordance with the provisions of the act, become immediately due and exigible and the petitioner would have the right to seize and sell the property by executory process, all in accordance with the provisions of the said act of sale and mortgage.

VI.

The defendants have failed to pay the installments in accordance with the terms of the note, and the defendants have also failed to pay interest from December 1, 1989; therefore, after valid credits have been allowed defendants, there is a present principal balance due on the note of NINE THOUSAND TWO HUNDRED FIFTY EIGHT AND 06/100 ($9,258.06) DOLLARS with interest thereon at the rate of TEN (10%) percent from December 1, 1989, until paid.

VII.

In the act of sale and mortgage the defendants agreed to pay the fees of the attorney at law who might be employed to institute proceedings to recover the amount due under the said note, which fees were fixed at TEN (10%) percent of the amount claimed herein.

5 2 1 9 0 3 1 3 0

VIII.

Petitioner avers that amicable demand pursuant to the terms of the act of mortgage has been made without avail; all as more fully shown on copy of letter dated addressed to defendants attached hereto along with return receipt which said letter specified the breach, the action required to secure said breach, and further specifying the time period for which the breach must be cured, and would further notify mortgagors that failure to cure said breach would result in acceleration of payments and sale of the mortgaged property.

IX.

The defendants did at the act of sale and mortgage waive all homestead rights and exemptions which they may be entitled to under the laws and constitution of the State of Louisiana.

X.

Petitioner, Fifth District Savings & Loan Association has exercised its option as holder of this note and declares the balance of the note, including principal, interest and attorney's fees due and payable.

XI.

Upon information and belief, Emelina Peres Trenco is an absent defendant residing outside the State of Louisiana and as such it is necessary to appoint a curator ad hoc to represent her interest herein.

WHEREFORE, the premises and annexed documents being considered, Fifth District Savings & Loan Association, petitioner herein, prays for an order of executory process, dispensing with the demand for payment and the three days delay and the issuance of a writ of seizure and sale herein, that notice of seizure be served upon defendants herein, and that the Sheriff of the Parish of Jefferson, State of Louisiana, be directed to seize, after due service of notice of seizure, advertisements, delays, requisites and formalities, free and clear of all homestead rights and exemptions, and to sell at public auction, with appraisement and to the highest bidder for cash, the hereinabove described property, to pay and satisfy the claim of petitioner in the full

sum of NINE THOUSAND TWO HUNDRED FIFTY EIGHT AND 06/100 ($9,258.06) DOLLARS with interest thereon at the rate of TEN (10%) percent per annum from December 1, 1989, until paid, plus TEN (10%) percent of the total amount claimed herein as attorney's fees and for all costs of these proceedings; and that out of the proceeds of the sale petitioner be paid the amount of its claim in preference and priority over all other persons.

Petitioner further prays the Court appoint a curator ad hoc to represent the interest of the defendant in this matter.

Petitioner prays further for all orders and decrees necessary in the premises.

RESPECTFULLY SUBMITTED:

PIVACH, COSSICH & PIVACH
A PROFESSIONAL CORPORATION

BY:_____

GEORGE PIVACH, II
ATTORNEYS AT LAW
306 Belle Chasse Highway North
Suite 104
P.O. Box 7125
Belle Chasse, Louisiana 70037
Telephone: (504) 394-1870
Bar #: 10798 GPII

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

5 2 1 9 0 3 1 8 2

VERIFICATION

FILED
MAY 10 1990
DEPUTY CLERK

STATE OF LOUISIANA

PARISH OF ORLEANS

CODED

BEFORE ME, the undersigned authority, personally came and appeared:

DAVID C NOLAN

of Fifth District Savings & Loan Association, who after being by me duly sworn did depose and say:

That Fifth District Savings & Loan Association is the petitioner in the above and foregoing petition;

That all of the allegations contained therein are true and correct to the best of his knowledge, information and belief;

That the account of the defendant herein is delinquent as alleged in said petition;

That the said mortgage and vendor's lien are subject to foreclosure herein.

SWORN TO AND
SUBSCRIBED BEFORE ME
THIS 10th DAY OF
May ,1990.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

5 2 1 9 0 3 1 8 3

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

No: 399-387 DIVISION " " DOCKET NO:

FIFTH DISTRICT SAVINGS & LOAN ASSOCIATION

VERSUS

EMELINA PERES TRENCO

FILED: May 14, 1990 Myra Landry
DEPUTY CLERK

CODED

ORDER

CONSIDERING the allegations of the foregoing verified petition and the exhibits attached thereto:

IT IS ORDERED THAT EXECUTORY PROCESS ISSUE herein as prayed for and according to law; that the defendants' waiver of demand for payment be and is hereby recognized; and that a Writ of Seizure and Sale issue to the Sheriff for the Parish of Jefferson, State of Louisiana, commanding him to seize the property described in the Petition and, after due legal advertisement in accordance with law, to proceed with the sale of the property, with appraisement, to satisfy the demand and claim of petitioner herein.

IT IS FURTHER ORDERED THAT Robert D. T. Creely be, and he is hereby appointed as curator ad hoc to represent Emelina Peres Trenco in these proceedings.

Gretna, Louisiana, this 14th day of May, 1990.

CODED

MAY 16 1990 ON MINUTES

JUDGE

PLEASE SERVE NOTICE OF SEIZURE ON:

1) EMELINA PERES TRENCO,
through her court appointed
Curator Ad Hoc

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV DIV. A
JUDGE
E. THOMAS PORTEBUS, JR.

Nº 400119

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FRANKLIN SAVINGS ASSOCIATION

Plaintiff

VS.

LEAH DUNNAM MUSGROVE, WIFE OF/AND WOODROE WILSON MUSGROVE

Defendant

IRA J. MIDDLEBERG
Attorney for Plaintiff

Attorney for Defendant

Date of Filing MAY 23, 1990 JL

PERMANENT

16 1 5 9 0 2 0 1 9

HP Exhibit 0189 (69)

16059 0 2817

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

NMC 1866-0066 / LOAN NO. 519910

24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA

NO. 400-119 DIVISION "

PERMANENT

FRANKLIN SAVINGS ASSOCIATION
VERSUS
LEAH DUNNAM MUSGROVE, WIFE OF/AND WOODROE WILSON MUSGROVE

CODED

PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

The petition of FRANKLIN SAVINGS ASSOCIATION, a savings association organized under the laws of the State of Kansas, and authorized to do and doing business in the Parish of Jefferson, State of Louisiana, with respect represents that:

1.

CODED

Defendants, Leah Dunnam Musgrove and Woodroe Wilson Musgrove, are persons of the full age of majority and non-residents of the State of Louisiana; whose last known mailing address is 922 Quail Hollow Road, Mobile, Alabama 36695.

2.

The defendants are jointly, severally and solidarily liable unto petitioner for the following reasons, to-wit:

3.

Petitioner is the holder and owner in due course for valuable consideration and before maturity of a certain promissory note executed by Leah Dunnam Musgrove wife of/and Woodroe Wilson Musgrove, payable to the order

file note mortgage in vault

MAY 31 1990

ISSUED not of appt
DATE MAY 31 1990
M Landix
Deputy Clerk

CODED

Ck #8446 $1,570.00
5-24-90

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of "OURSELVES", and endorsed by the said Leah Dunnam Musgrove and Woodroe Wilson Musgrove, in the principal sum of THIRTY SEVEN THREE HUNDRED AND NO/100 ($37,300.00) DOLLARS, dated April 14, 1982, payable in monthly installments, including principal and interest, beginning June 1, 1982 and on the first day of each month thereafter until principal and interest are fully paid, the last monthly payment, if not sooner paid, being due and payable on May 1, 2012, and which note bears interest at the rate of 15.500% per annum on the unpaid balance from date, and which note was paraphed "Ne Varietur" for identification with and secured by an Act of Vendor's Lien dated April 14, 1982, passed before William W. Shaw, Jr., Notary Public and two witnesses and recorded in MOB 848, folio 506, acquired at COB 1023, folio 399, of the official records for the Parish of Jefferson, State of Louisiana. The original of said note is attached hereto and made a part hereof and marked "P-1" for identification. A certified true copy of the Act of Vendor's Lien is attached hereto and made a part hereof and marked "P-2" for identification.

4.

Further, Mellon Financial Services Corporation #7, formerly Carruth Mortgage Corporation did assign, transfer, convey and deliver all of its rights, title and interest in and to the above described promissory note unto Franklin Savings Association by Assignment of Mortgages, in authentic form, dated August 31, 1989, executed by Carol R. Biondi, Vice President-Administrative and by Sally Hyatt, Assistant Secretary, and passed before Debbie S. Detinne, Notary Public and two witnesses. A certified true copy of said Assignment of Mortgages is attached hereto and made a part hereof and marked "P-3" for identification.

5.

Further, plaintiff avers that it is the current holder of the aforesaid note, regardless of the endorsement mistakenly placed in the reverse of said note by Carruth Mortgage Corporation, as is shown more fully in that certain Act of Ratification of Cancellation of Endorsement of Note executed by Mellon Financial Services Corporation #9, formerly Mellon Financial Services

Corporation #7, formerly Carruth Mortgage Corporation on May 9, 1990, in authentic form, passed before Bonita M. Bishop, Notary Public, and two competent witnesses, the original of which document is attached hereto, made a part hereof, and marked "P-4" for identification.

6.

By virtue of the aforementioned act(s), defendants did specially mortgage, affect and hypothecate unto and in favor of your petitioner, and any other holder or holders of said note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

> THAT CERTAIN PIECE OR PORTION OF GROUNO, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part hereof known as LIVE OAK MANOR SUBDIVISION, all as per plan by Subdivision Planning Engineers, Inc., dated March 16, 1959, revised June 9, 1959, approved under Ordinance No. 4152, adopted by the Jefferson Parish Council, filed for record under entry No. 159352, in COB 486, folio 469, and as per Act of Dedication before Harold J. Zeringer, Jr., Notary Public, dated September 16, 1959, filed for record under Entry No. 160982 in COB 488, folio 343, more particularly described as follows:
>
> LOT 11 of SQUARE 12, bounded by James Street, Richelle Street, Judith Street, Helis Drive and Jay Place and said Lot 11 measures 55 feet front on Richelle Street, the same width in the rear, with a depth of 95 feet on each sideline. According to a survey by J. J. Krebs & Sons, Inc., dated October 29, 1981, last redated April 8, 1982, Lot 11 commences at a distance of 110 feet from the corner of Richelle Street and James Street and bears the same designation, located and measurements as above set forth.
>
> The Improvements bear the No. 22 Richelle Street.

7.

By virtue of the act referred to in Paragraph 3 hereinabove, defendants confessed judgment upon the note, and consented that if the same was not paid in accordance with the terms and stipulations of said note and the aforesaid act(s), the property might be seized and sold under executory process, for cash and <u>without appraisement</u>, defendants having waived the

demand for payment as provided for in Article 2639 of the Louisiana Code of Civil Procedure.

8.

The defendants have failed to pay the installment due November 1, 1989 and all subsequent installments due under said note.

9.

Defendants are therefore in default under the terms and conditions of the aforesaid note and act(s).

10.

Therefore, FRANKLIN SAVINGS ASSOCIATION has exercised its right of acceleration as the holder of the aforesaid note and declares the entire balance of said note due and payable, which balance consists of unpaid principal in the amount of $36,507.34, interest at the rate of 15.500% per annum from October 1, 1989, until paid, together with 10% per cent upon said principal and interest, as attorney's fees, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

11.

By virtue of the terms of the aforementioned note and act(s) defendants agreed to pay the attorney's fees equal to 10% of the amounts due under said note for the attorney at law who might be employed to institute proceedings to recover the amounts due under said note.

12.

This Court has jurisdiction over the property affected and encumbered by the act described in Paragraph 3 hereinabove; but because defendants, Leah Dunnam Musgrove and Woodroe Wilson Musgrove, are absentees who cannot be

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served personally with process, an attorney at law should be appointed to represent them.

13.

By virtue of paragraph 14 of said Act of Vendor's Lien, defendants waived any and all notice of demand.

WHEREFORE, the premises annexed and documents considered, petitioner prays for an order of executory process herein, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and without appraisement, to pay and satisfy the claim of your petitioner in the principal sum of $36,507.34, with interest at the rate of 15.500% per annum from October 1, 1989 until paid, together with 10% per cent upon said principal and interest, as attorney's fees, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

Petitioner further prays that out of the proceeds of the sale, it be paid in preference and priority over all other persons and entities.

Petitioner further prays that an attorney at law be appointed to represent the absent defendants in this proceeding.

MIDDLEBERG, RIDDLE & GIANNA
201 ST. CHARLES AVENUE - 31ST FLOOR
NEW ORLEANS, LOUISIANA 70170-3100
TELEPHONE: (504) 525-7200
ATTENTION: FORECLOSURE DEPARTMENT

IRA J. MIDDLEBERG
BAR NO. 9640

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

16 0 5 9 0 2 8 2 2

FILED
MAY 25 1990
DEPUTY CLERK

CODED

PLEASE SERVE NOTICE OF SEIZURE ON:

LEAH DUNNAM MUSGROVE AND
WOODROE WILSON MUSGROVE
THROUGH COURT APPOINTED COUNSEL

ORDER

CONSIDERING THE FOREGOING,

LET executory process issue herein as prayed for and according to law.

FURTHER, LET Robert G Creely, attorney at law, be appointed to represent the absent defendants, Leah Dunnam Musgrove and Woodroe Wilson Musgrove, in this proceeding.

GRETNA, LOUISIANA, this 25th day of May, 1990.

CODED

JUDGE

ON MINUTES
MAY 29 1990

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
B. THOMAS PORTEOUS, JR.

Nº 400913

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

LEADER FEDERAL BANK FOR SAVINGS

Plaintiff

VS.

PAMELA WARE, DIVORCED WIFE BY FIRST MARRAIGE OF JOSPEH E. SMITH, ET AL

Defendant

JAMES C. ARCENEAUX, III *Attorney for Plaintiff*

Attorney for Defendant

Date of Filing JUNE 8, 1990 KL

HP Exhibit 0189 (71)

3051

#185.00

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DIV. A

JUDGE

CODED: 11

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 400-913 DIVISION "A"

LEADER FEDERAL BANK FOR SAVINGS

VERSUS

PAMELA WARE, DIVORCED WIFE BY FIRST MARRIAGE OF JOSEPH E. SMITH, JR., DIVORCED WIFE BY SECOND MARRIAGE OF PERCY J. WILLIAMS, NOW WIFE OF/AND GLENN A. HEISSER

CODED: 11

FILED: _____ _____ DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Leader Federal Bank for Savings a Federal Mutual Savings Bank, organized and existing under the Laws of the United States of America which has its principal place of business at 158 Madison, Memphis, Tennessee 38103, which said institution adopted a new charter on February 9, 1989 changing its name from Leader Federal Savings and Loan Association to Leader Federal Bank for Savings becoming a federal mutual savings bank evidence of which is duly recorded in COB 2240, folio 251, with respect, represents:

I.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Pamela Ware Heisser, wife of and Glenn A. Heisser who are residents of and domiciled in the Parish of Jefferson, State of Louisiana, payable to the order of Bearer in the principal sum of $70,599.00 dated April 14, 1987 payable at Leader Federal Savings and Loan Association, P. O. Box 2926, Memphis, Tennessee, or at such other place as the holder may designate in writing, in fixed monthly installments, including principal and interest of $593.63 commencing on the first day of May,

JUN 19 1990

CODED: 11

file note & mortgage in vault

ISSUED not of appt

DATE JUN 19 1990

M Landry

Deputy Clerk

1987 and payable in full on or before the first day of April, 2017. The said note bears interest at the rate of 9.50% percent per annum on the unpaid balance from date until paid, and which said note is paraphed "Ne Varietur" for identification with an Act of Credit Sale dated April 14, 1987 and passed before Patricia B. Arnona, Notary Public in and for the Parish of Orleans and two witnesses, and duly recorded in MOB 1893, folio 208, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

II.

The said mortgagors did, in the said act, waive all homestead exemptions to which they may be entitled under the Constitution and laws of the State of Louisiana.

III.

In the above mentioned Act, the mortgagors agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Leader Federal Mortgage, Inc. lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagors bound and obligated themselves not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

IV.

In the above mentioned act, the said mortgagors confessed judgment on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

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V.

In the said act hereinabove referred to, the said mortgagors did specially mortgage, affect and hypothecate unto and in favor of the mortgagee, Leader Federal Savings and Loan Association and any and all other future holders of the note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

> THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part thereof known as JEFFERSON PLACE SUBDIVISION, DESIGNATED LOT 12, SQUARE 38, bounded by Bienville Drive, Willowbrook Drive, Brett Drive, and Iberia Street. Said Lot 12 begins 300 feet from the corner of Bienville Drive and Iberia Street and measures thence 60 feet front on Bienville drive, the same width in the rear, by a depth of 100 feet between equal and parallel lines. All as more fully shown on a survey by Mandle Surveyors, dated March 16, 1987.
>
> Improvements thereon bear Municipal No. 216 Bienville Drive, Gretna, La.70053.
>
> Being the same property acquired by Pamela Ware, wife of/and Glenn A. Heisser on April 14, 1987. Registered in COB 1700, folio 109.

VI.

By Act of Notarial Endorsement and Assignment of Mortgage Note dated April 14, 1987 executed before Anita Jones, Notary Public, the above described mortgage note was transferred and assigned by Leader Federal Mortgage, Inc. unto Leader Federal Savings and Loan Association, which said assignment is attached hereto and made a part hereof and marked Plaintiff's Exhibit "C".

VII.

By Ratification and Confirmation of Notarial Endorsement and Assignment of Mortgage Note dated May 22, 1990 executed before Susan Barthel, Notary Public, the above Notarial Endorsement and Assignment of Mortgage Note was corrected, as will more fully appear from said Act of Correction, which is attached

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hereto and made a part hereof and which is marked Plaintiff's Exhibit "D".

VIII.

By Act of Correction dated May 22, 1990 executed before Stephen J. Windhorst, Notary Public, registered in Instrument No. 90-21640, the above mortgage was corrected, as will more fully appear from said Act of Correction, a certified copy of which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "E".

IX.

The reverse of the above described note bears an endorsement in blank with an accompanying paraph identifying the endorsement with an assignment dated June 4, 1987. In truth and in fact, the assignment was never completed and the said note was paraphed in error inasmuch as the note was never transferred by Leader Federal Savings and Loan Association or its successor, Leader Federal Bank for Savings and has remained in their possession from the date it was executed. Accordingly, the incomplete endorsement and accompanying paraph should be disregarded and should be treated as of no effect whatsoever.

X.

The petitioner herein, Leader Federal Bank for Savings, has been advised that Pamela Ware, wife of/and Glenn A. Heisser, the defendants herein, are thought to be living and residing in Fort Collins, Colorado and it will therefore be necessary for this Honorable Court to appoint an attorney to represent the absent defendants.

XI.

The mortgagors having failed to make the payments required under the terms of their mortgage, are in default under the terms of said mortgage and Leader Federal Bank for Savings as the last holder of the note, after having given due notice to

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mortgagors herein, has exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from September 1, 1989 to date.

WHEREFORE,petitioner prays that the Court appoint a Curator-ad-Hoc to represent the absent Pamela Ware, wife of/and Glenn A. Heisser and, further, petitioner prays for an order of Executory Process herein; and, further, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson State of Louisiana, to seize and sell without appraisement and after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of $69,515.42 with 9.50% percent interest thereon from August 1, 1989 until paid, together with reasonable attorney's fees on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEAUX
BY: James C. Arceneaux
JAMES C. ARCENEAUX, III
Bar Roll No. 2524
210 Baronne Street
Suite 1210 First NBC Building
New Orleans, La. 70112
Phone: (504) 522-8256

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
D. Hawkins
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

62790 3 1 6

JUN 13 1990

CODED - 11

ORDER

Considering the allegations of the foregoing petition and Exhibits annexed thereto, let Executory Process issue herein; It is ordered that a writ of seizure and sale issue herein forthwith, as prayed for, according to law, without appraisement.

Let Robert G. Creely, Esq. be appointed Curator-ad-Hoc to represent the absent defendants, Pamela Ware, wife of/and Glenn A. Heisser.

Gretna, Louisiana

June 12th, 1990

JUN 14 1990

ON MINUTES

JUDGE

CODED - 11

PLEASE SERVE:
(1) NOTICE OF APPOINTMENT
(2) NOTICE OF SEIZURE AND SALE (NOTICE OF DEMAND WAIVED)
(3) COPY OF PETITION ON:

_____,Esq.
Curator-ad-Hoc to represent the
absent defendants
Pamela Ware, wife of/and
Glenn A. Heisser

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A

DIV ____ JUDGE A. THOMAS PORTEOUS, JR.

Nº 401600

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

COURTESY FINACIAL SERVICES, INC.

Plaintiff

VS.

KEITH ANDERSON AND SHAROL A. DAVIS

Defendant

ERIC OLIVER PEARSON *Attorney for Plaintiff*

Attorney for Defendant

Date of Filing JUNE 22,1990 JL

FILMED 9-90

3058

HP Exhibit 189 (72)

C 1 0 9 9 0 0 1 1 C 4

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 401-600 DIVISION "A" DOCKET NO.

COURTESY FINANCIAL SERVICES, INC.

VERSUS

KEITH ANDERSON and SHAROL A. DAVIS

FILED: _____ _____ DEPUTY CLERK

CODED

FILED FOR RECORD '90 OCT 31 AM 10 53 PARISH OF JEFFERSON, LA. CLERK

MOTION AND ORDER TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel, comes Courtesy Financial Services, Inc., a Louisiana corporation doing business in the Parish of Jefferson, State of Louisiana, herein represented by Cheryl Roche, its duly authorized representative, who does with respect move for an order of this Court to appoint a Curator ad Hoc to represent the absent defendants, Keith Anderson and Sharol A. Davis, for the following reasons, to-wit:

I.

Mover, plaintiff in the above captioned and numbered proceedings, has been advised by the Sheriff's Office of the Parish of Jefferson that they have been unable to serve the three (3) day notice of demand required as part of the foreclosure proceedings due to the defendants, Keith Anderson and Sharol A. Davis, whereabouts being unknown at this time.

II.

It is therefore necessary for a Curator ad Hoc to be appointed to represent the absent defendants herein, upon whom pleadings can be served and against whom the executory action can take place.

WHEREFORE, mover prays that a Curator ad Hoc be appointed by the Court to represent the interests of the absent defendants, Keith Anderson and Sharol A. Davis, in the interest of protecting

IC OLIVER PERSON
Attorney-at-Law
757 St. Charles Avenue
Suite 301
w Orleans, Louisiana 70130

ISSUED not to be appt
DATE NOV 08 1990
S/ MYRA LANDIX
Deputy Clerk

CODED

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the rights of Keith Anderson and Sharol A. Davis and affording mover, Courtesy Financial Services, Inc., the executory process action provided for in the note and mortgage sued upon.

Respectfully submitted,

ERIC OLIVER PERSON
Attorney for Plaintiff
757 St. Charles Avenue
Suite 301
New Orleans, Louisiana 70130
(504) 522-8890
BAR NO. 10530

O R D E R

Considering the above and foregoing motion,

IT IS ORDERED, ADJUDGED AND DECREED that Robert D Creely be named Curator ad Hoc for the absent defendants, Keith Anderson and Sharol A. Davis, in the above captioned and numbered proceedings upon whom service can be had to protect the interest of the absent defendants, Keith Anderson and Sharol A. Davis.

Signed at Gretna, Louisiana, this 5th day of November, 1990.

CODED

J U D G E

PLEASE SERVE:
Court Appointed Curator

MINUTES
NOV 6 1990

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 402214

DIV DIV. A
JUDGE
E. THOMAS PORTEDUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

RESOLUTION TRUST CORPORATION, SUCCESSOR-IN-INTEREST TO THE FEDERAL SAVINGS & LOAN,ET AL

Plaintiff

VS.

ROBERT P. GUASTELLA

Defendant

JAMES J. O'NEIL

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JULY 6,1 990 JL

HP Exhibit 189 (73)

0 7 1 8 9 0 0 0 0 7 2

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P01 30.00

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 402-214 DIVISION "A"

FILED FOR RECORD '90 NOV 26 PM 1 49 DEPUTY CLERK PARISH OF JEFFERSON, L.A.

RESOLUTION TRUST CORPORATION,
Successor-in-Interest to the Federal Savings & Loan Insurance Corporation, as Conservator of Citizens Homestead Association with the Federal Deposit Insurance Corporation as Managing Agent

VERSUS

ROBERT P. GUASTELLA

CODED-11

FILED:_____ _____
DEPUTY CLERK

MOTION FOR APPOINTMENT OF CURATOR AD HOC

NOW INTO COURT, through undersigned counsel, comes RESOLUTION TRUST CORPORATION, Successor-in-Interest to Federal Savings and Loan Insurance Corporation, appearing herein as Conservator of Citizens Homestead Association and respectfully represents:

1.

Information provided by the Sheriff's Office for the Parish of Jefferson indicates that the citation issued to defendant, Robert P. Guastella, in these proceedings was returned by the sheriff as he was unable, after numerous attempts, to locate the defendant. All attempts at service have been unsuccessful and at this time, plaintiff has no other information as to where this defendant may be located.

2.

Plaintiff is informed and believes, and alleges, that Robert P. Guastella, defendant in this suit, has his legal domicile in this parish and has no information that he has established any other domicile, but has no agent or other legal representative in the parish and no fixed place of residence with a person living there competent to receive service of process, and that it is, therefore, necessary that the court appoint an attorney at law to represent him and upon whom service of process may be made.

WHEREFORE, plaintiff prays that an attorney at law be

not of appt. w/ cit pet

DATE DEC 05 1990

S/ MYRA LANDIX
Deputy Clerk

CODED

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appointed to represent the absent defendant; that he be served with a copy of the petition herein and duly cited to appear and answer same and after due proceedings had there be judgment in favor of petitioner and against the defendant, Robert P. Guastella, as originally prayed for herein.

Respectfully submitted,

MCNULTY & O'CONNOR

BY: _____

James J. O'Connor
Bar Roll No. 10160
Jefferson Agency Code 7449
622 Baronne Street
New Orleans, Louisiana 70113
(504) 522-2889

ORDER

Considering the foregoing motion,

IT IS ORDERED that _____ be appointed as attorney at law to represent the defendant, Robert P. Guastella, in these proceedings and that he be served with a citation and copy of the petition herein.

Gretna, Louisiana, this 3rd day of December, 1990.

CODED
ON MINUTES
DEC 4 1990

_____
JUDGE

11-26 19 90 200.00 curator fees

I, HEREBY CERTIFY THAT ~~ALL~~ COSTS INCURRED IN THIS MATTER HAVE BEEN PAID.

_____
Deputy Clerk

CODED

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
_____
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

№ 404087

DIV DIV. A

C. THOMAS FORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

TROY & NICHOLS, INC.

VS.

Plaintiff

CHERYL ANN BLOECHER

Defendant

GEORGE B. DEAN, JR.

Attorney for Plaintiff

Attorney for Defendant

AUGUST 8, 1990 JL

Date of Filing

3064

HP Exhibit 0189 (74)

1 7 1 5 0 2 4 9 1

P01

STATE OF LOUISIANA * PARISH OF JEFFERSON * 24th DISTRICT COURT

TROY & NICHOLS, INC. A

VERSUS NO.404-087

CHERYL ANN BLOECHER

FILED: _____

FILED FOR RECORD '90 NOV 2 PM 1 31 DEPUTY CLERK PARISH OF JEFFERSON, LA.

MOTION & ORDER TO APPOINT CURATOR

CODED

On Motion of the TROY & NICHOLS, INC. and on suggesting to the court that Plaintiff has been unable to perfect service upon defendants, CHERYL ANN BLOECHER and, despite the diligent efforts to plaintiff and the Sheriff of JEFFERSON Parish, Louisiana, as reflected by the Sheriff's return on the NOTICE OF DEMAND, and the whereabouts of said defendant being unknown, and as attorney of law should be appointed by this court to act as Curator ad Hoc upon whom services of legal process may be served during these procedures,

IT IS ORDERED that Robert G. Creely, attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in the proceedings.

Gretna, Louisiana, this 7th day of November, 1990.

CODED

JUDGE

ON MINUTES NOV 13 1990

V E R I F I C A T I O N

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, a Notary Public, appeared George B. Dean, Jr., who declares that he is the attorney for plaintiff and that the allegations of the foregoing Motion & Order to Appoint Curator are true and correct to the best of his knowledge, information and belief.

George B. Dean, Jr.

SWORN TO AND SUBSCRIBED
before me this 30th day
of OCTOBER. 1990.

Etter Lee Nomad
Notary Public

LAST KNOWN ADDRESS:
211 EMERSON DRIVE
KENNER, LA. 70063

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

ISSUED not of appt/not of demand

DATE NOV 14 1990

CODED

S/ MYRA LANDIX
Deputy Clerk

Nº 405232

DIV [redacted]

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. N
JUDGE
SUSAN CHEHARDY

IN RE: INTERDICTION OF JESSIE MAE PEPPERS

VS.

Plaintiff

Defendant

DAVID J. HEBERT

Attorney for Plaintiff

Attorney for Defendant

Date of Filing AUGUST 30, 1996

3066

HP Exhibit 0189 (75)

1 0 1 5 9 0 0 1 9 1 3

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER: 405232 DIVISION: "A"

IN RE:

INTERDICTION OF

JESSIE MAE PEPPERS

FILED: _____ _____
DEPUTY CLERK

FILED FOR RECORD
'90 OCT 1 AM 10 52
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

MOTION FOR APPOINTMENT OF CURATOR AD HOC

On motion of June Lawrence, through her undersigned counsel, and on suggesting to the Court that as will appear from the Sheriff's return of record in these proceedings, JESSIE MAE PEPPERS, the Defendant herein, was personally served with citation on _____, 19__; that the delay for answering has expired; and that the Defendant has made no appearance in these proceedings:

IT IS ORDERED by the Court that:

1. Robert G. Creely, Attorney at Law, is appointed to represent the Defendant, JESSIE MAE PEPPERS, in these proceedings; and

2. Citation and a certified copy of this order and the petition in this matter, be served on the attorney at law appointed above to represent the Defendant.

Gretna, Louisiana, this 3rd day of October, 1990

CODED

JUDGE

10-1 1990
I, HEREBY CERTIFY THAT NO ANSWER OR OTHER PLEADINGS HAVE BEEN FILED IN THIS MATTER.
DEPUTY CLERK

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

CODED
COST OF COURT HAS BEEN PAID IN THIS MATTER
Deputy Clerk

ISSUED not of appt of cut pet
DATE OCT 11 1990
S/ MYRA LANDIX
Deputy Clerk

DIV DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

Nº 405793

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Plaintiff

VS.

PATSY GILES METCALF, WIFE OF/AND CHALRES BURTIS METCALF AND, ET AL

Defendant

IRA J. MIDDLEBERG

Attorney for Plaintiff

Attorney for Defendant

Date of Filing SEPTEMBER 12, 1990 JL

HP Exhibit 0189 (76)

3068

8.

The defendants have failed to pay the installment due April 1, 1990, and subsequent installments due under said note.

9.

Defendants are therefore in default under the terms and conditions of the aforesaid note and acts.

10.

Therefore, FEDERAL NATIONAL MORTGAGE ASSOCIATION, has exercised its right of acceleration as the holder of the aforesaid note and declares the entire balance of said note due and payable, which balance consists of unpaid principal in the amount of $18,509.05, interest at the rate of 7.00% per annum from March 1, 1990, until paid, together with reasonable attorney's fees, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

11.

By virtue of the terms of the aforementioned note and acts, defendants agreed to pay a reasonable fee to the attorney at law who might be employed to institute proceedings to recover the amounts due under said note.

12.

In the note, defendants waived presentment, protest and notice.

WHEREFORE, the premises annexed and documents considered, petitioner prays for an order of executory process herein, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and <u>with appraisement</u>, to pay and satisfy the claim of your petitioner in the principal sum of $18,509.05 with interest at the rate of 7.00% per annum from

March 1, 1989 until paid, together with all sums advanced for taxes and/or insurance, together with reasonable attorney's fees, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

Petitioner further prays that out of the proceeds of the sale, it be paid in preference and priority over all other persons and entities.

Petitioner further prays that an attorney at law be appointed to represent the absent defendants.

MIDDLEBERG, RIDDLE & GIANNA
201 ST. CHARLES AVENUE, 31ST FLOOR
NEW ORLEANS, LOUISIANA 70170-3100
TELEPHONE: (504) 525-7200
ATTENTION: FORECLOSURE DEPARTMENT

IRA J. MIDDLEBERG
BAR NO. 9640

PLEASE SERVE NOTICE OF SEIZURE ON:

PATSY GILES METCALF, WIFE OF/AND
CHARLES BURTIS METCALF
Through Court Appointed Counsel

AND

PAULA HYMEL TARAVELLA, WIFE OF/AND
CLAYTON P. TARAVELLA
5069 Woodcrest Drive
Marrero, Louisiana 70072

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

ORDER

CONSIDERING THE FOREGOING,

LET executory process issue herein as prayed for and according to law.

LET Robert G. Creely, attorney at law, be appointed to represent the absent defendants, PATSY GILES METCALF, WIFE OF/AND CHARLES BURTIS METCALF.

GRETNA, LOUISIANA, this 14th day of September 1990.

JUDGE

CODED

ON MINUTES
SEP 18 1990

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A

DIV. JUDGE R. THOMAS PORTEOUS, JR.

N° 406038

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

STANDARD MORTGAGE CORPORATION

Plaintiff

VS.

VERONICA WILLIAMS, WIFE OF/AND EMILE BLAUIN AND JULIETA LORENZO,ET AL

Defendant

JAMES C. ARCENEAUX, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing ~~SEPTEMBER 18,1990~~ JL

3072

HP Exhibit 0189 (78)

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CODED

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 406-038 DIVISION " "

STANDARD MORTGAGE CORPORATION

VERSUS

VERONICA WILLIAMS, WIFE OF/AND EMILE BLUAIN

AND

JULIETA LORENZO, WIFE OF/AND GERRIT OVERKAMP

FILED: _____ _____ DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Standard Mortgage Corporation, a Louisiana corporation having its principal place of business at 300 Plaza, One Shell Square, New Orleans, Louisiana 70139, with respect, represents:

I.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Julieta Lorenzo, wife of/and Gerrit Overkamp who were residents of and domiciled in the Parish of Jefferson, State of Louisiana, payable to the order of Ourselves and by the makers endorsed in blank in the principal sum of $62,700.00 dated March 15, 1983 payable at Standard Mortgage Corporation, New Orleans, Louisiana, or at such other place as the holder may designate in writing, in fixed monthly installments, including principal and interest of $645.18 commencing on the first day of May, 1983 and payable in full on or before the first day of April, 2013. The said note bears interest at the rate of 12.00% percent per annum on the unpaid balance from date until paid, and which said note is paraphed "Ne Varietur" for

file note & mortgage in vault OCT 01 1990

ISSUED Not of appt OCT 01 1990

DATE S/ MYRA LANDIX

Deputy Clerk

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identification with an Act of Credit Sale dated March 15, 1983 and passed before H. Gordon Hartman, Notary Public in and for he Parish of Orleans and two witnesses, and duly recorded in MOB 873, folio 897, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

II.

The said mortgagors did, in the said act, waive all homestead exemptions to which they may be entitled under the Constitution and laws of the State of Louisiana.

III.

In the above mentioned Act, the mortgagors agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Standard Mortgage Corporation lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagors bound and obligated themselves not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

IV.

In the above mentioned act, the said mortgagors confessed judgment on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

V.

In the said act hereinabove referred to, the said mortgagors did specially mortgage, affect and hypothecate unto and in

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favor of the mortgagee, Standard Mortgage Corporation and any and all other future holders of the note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

THAT CERTAIN, PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, in Township 14 South, Ranges 23 and 24 East, Southeast Land District of Louisiana, West of the Mississippi River, known as Harvey Canal Property, Jefferson Parish, Louisiana, designated as Parcels G-1-B and Q-1, per plan by J.J. Krebs & Sons, Inc., C.E., dated May 15, 1973, revised September 26, 1973, April 11, 1974, May, 5, 1975, December 29, 1975, October 19, 1976, March 27, 1978, July 24, 1978, December 5, 1979 and May 22, 1981, which said portion has been resubdivided into WOODMERE SOUTH SUBDIVISION, SECTION I, all as per plan of resubdivision made by J.J. Krebs & Sons, Inc., C.E. & S., dated April 13, 1981, approved by the Jefferson Parish Council by Ordinance No. 14846, recorded in COB 1011, folio 815, and Ordinance No. 14938, recorded in COB 1014, folio 893, and as per Act of Dedication before Odom B. Heebe, Notary Public, dated December 4, 1981, recorded in COB 1016, folio 209, same being designated as follows:

LOT 111, SQUARE C, which said square is bounded by Melissa Drive, Destrehan Avenue, Shannon Drive and Keith-Way Drive, and said LOT 111 commences at a distance of 255.82 feet from the intersection of Destrehan Avenue and Melissa Drive, and measures thence 65 feet front on Melissa Drive, same in width in the rear, by a depth of 100 feet between equal and parallel lines; all as per survey made by J.J. Krebs & Sons, Inc., C.E. & S., dated November 8, 1982, resurveyed December 29, 1982 to show improvements.

Improvements thereon bear Municipal No. 3716 Melissa Drive, Harvey, La. 70058.

Being the same property acquired by Veronica Williams, wife of/and Emile Bluain on July 28, 1988. Registered in COB 2011, folio 294.

VI.

By Act of Cash Sale and Assumption of Mortgage executed July 28, 1988, before Ellen Mullins, Notary Public, the above described property was transferred by Julieta Lorenzo, wife of/and Gerrit Overkamp to Veronica Williams, wife of/and Emile Bluain, which said act is duly recorded in MOB 2303, folio 56, Parish of Jefferson, Louisiana; the said assumptors did assume, bind and obligate themselves to pay in full the certain

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mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "C".

VII.

The petitioner herein, Standard Mortgage Corporation, has been advised that Julieta Lorenzo, wife of/and Gerrit Overkamp, two of the defendants herein, are thought to be living and residing at 4422 152nd Place S.E., Bellevue, Washington and it will therefore be necessary for this Honorable Court to appoint an attorney to represent the absent defendants.

VIII.

The assumptors having failed to make the payments required under the terms of the assumed mortgage, are in default under the terms of said mortgage and Standard Mortgage Corporation as the last holder of the note, after having given due notice to mortgagors herein, has exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from May 1, 1990 to date.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent Julieta Lorenzo, wife of/and Gerrit Overkamp and, further, petitioner prays for an order of Executory Process herein, and further, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell without appraisement and, after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and

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exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of $60,324.38 with 12.00% percent interest thereon from April 1, 1990 until paid, together with 10.00% percent attorney's fees on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEAUX

BY: James C. Arceneaux

James C. Arceneaux, III
Bar Roll No. 2524
Attorney for Petitioner
210 Baronne Street, Suite 1210
New Orleans, LA 70112
(504) 522-8256

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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ORDER

Considering the allegations of the foregoing petition and Exhibits annexed thereto, let Executory Process issue herein; It is ordered that a writ of seizure and sale issue herein forthwith, as prayed for, according to law, without appraisement.

Let Robert L. Kiely, Esq. be appointed Curator-ad-Hoc to represent the absent defendants, Julieta Lorenzo, wife of/and Gerrit Overkamp.

Gretna, Louisiana

September 21, 1990

JUDGE

ON MINUTES SEP 24 1990

PLEASE SERVE:
(1) NOTICE OF SEIZURE AND SALE (NOTICE OF DEMAND WAIVED)
(2) COPY OF PETITION ON:

Veronica Williams, wife of/and
Emile Bluain
3716 Melissa Street
Harvey, La. 70058

PLEASE SERVE:
(1) NOTICE OF APPOINTMENT
(2) NOTICE OF SEIZURE AND SALE (NOTICE OF DEMAND WAIVED)
(3) COPY OF PETITION ON:

_____, Esq.
Curator-ad-Hoc to represent the
absent defendants
Julieta Lorenzo, wife of/and
Gerrit Overkamp

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 406299

DIV. A

DIV JUDGE G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

SUCCESSION OF RAMONA MUNIZ ABRIL

VS. *Plaintiff*

Defendant

ROMUALDO GONZALEZ *Attorney for Plaintiff*

Attorney for Defendant

Date of Filing SEPTEMBER 24, 1990 JL

HP Exhibit 0189 (79)

3079

TWENTY-FOURTH JUDICIAL DISTRICT COURT
FOR THE PARISH OF JEFFERSON

NO. 406-299 DIVISION "A"

P1

SUCCESSION

OF

RAMONA MUNIZ ABRIL, wife of ALBERTO E. ABRIL

FILED: _____ _____
DEPUTY CLERK

FILED FOR RECORD
'91 JAN 4 AM 10:32
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

FIRST AMENDING AND SUPPLEMENTAL PETITION

The First Supplemental and Amending Petition of Albert E. Abril, respectfully represents that:

1.

Plaintiff wishes to amend her Petition To Rescind Judgement of Possession filed on November 16, 1990, in the following respects.

2.

By adding allegations to be numbered Paragraph "I" to read as follows:

I.

The estate of Ramona Muniz Abril, not being free of debt, as originally stated, and requiring the sale of the immovable property located at 641 Cameron, Kenner, Louisiana, requires that the administration be reopened and Alberto E. Abril, surviving spouse of Ramona Muniz Abril be reinstated as administrator.

3.

By adding an additional paragraph to be numbered as follows:

II.

The following heirs of Ramona Muniz Abril have not been located at these their last known addresses:

1.	Jose A. Abril 75 W. 11th Street Apt. #8 Hialeah, Florida 33010 SS# 438-86-6306	son
2.	Josefina Alvarado-Abril 1711 Creole Street LaPlace, Louisiana 70068	daughter
3.	Jesus Lopez-Muniz 4378 W. Flager #6 Miami, Florida	Mr. Abril's stepson Mrs. Abril's son from prior marriage

ISSUED cit + 1st suppl + amend w/ not of appt
DATE JAN 15 1991
S/ MYRA LANDIX
Deputy Clerk

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Petitioner desires that the Honorable Court appoint a Curator ad hoc to represent the absentee heirs in these proceedings, who are essential parties in interest.

WHEREFORE, petitioner, Alberto E. Abril, reiterating the prayers of his original Petition as though set forth at length herein, prays that this Supplemental and Amending Petition be filed, and that after due proceedings had, there be judgement in favor of petitioner, and against the defendants as originally prayed for herein.

WHEREFORE, petitioner further prays that an attorney at law be appointed by this Honorable Court, said attorney to represent the parties in interest who are absent from the State of Louisiana, that the Curator be served with a copy of this petition and cited to appear and answer it, and that after due proceedings there be judgement as prayed for.

Respectfully Submitted,

MURRAY, BRADEN, GONZALEZ & RICHARDSON

ROMUALDO GONZALEZ
612 Gravier Street
New Orleans, Louisiana 70130
Telephone: (504) 581-2000
Louisiana Bar Roll No. 6118

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by first-class U.S. Mail, properly addressed and postage pre-paid, on this 2nd day of July, 1991

ROMUALDO GONZALEZ

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

C 1 1 7 0 1 0 0 2 3 7

ORDER

Let the foregoing Supplemental and Amending Petition be filed as prayed for.

Let Robert Creely be and he/she is hereby appointed attorney to represent the absent heirs/parties in interest herein.

Gretna, Louisiana, this 9th day of January, 1991.

CODED

JUDGE

ON MINUTES

JAN 11 1991

PLEASE SERVE: CURATOR AD HOC

1-4-91 $200. Cur. fee

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

7 1 1 9 1 0 1 3 0

AMATO AND CREELY
A PROFESSIONAL LAW CORPORATION
901 DERBIGNY STREET
POST OFFICE BOX 441
GRETNA, LOUISIANA 70054-0441
TELEPHONE: 504-367-8181
TELEFAX: 504-362-5168

FILED FOR RECORD
'91 MAR 1 AM 9 04
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

February 28, 1991

Clerk of Court
Parish of Jefferson
New Gretna Courthouse
Gretna, Louisiana 70053

Re: Succession of Ramona Muniz
Abril, wife of Alberto E. Abril
24th JDC No. 406-299 A

Dear Sir:

I have been advised by opposing counsel that the above captioned matter has been finalized. Therefore, please forward to my office at your next convenience the curator fee deposited with the court in this matter.

Sincerely,

Robert Creely

ROBERT G. CREELY

RGC/da

money deposit 1-4-91
order sign 1-9-91
Robert Creely

CHECK NO. 1550
Robert G. Creely
dtd. 3-5-91
$ 200.00
S/C. GAUTHIER
DEPUTY CLERK

407210

DIV

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FOSTER MORTGAGE CORPORATION"

Plaintiff

VS.

GEROGE WASHINGTON BLAKELY (A/K/A GEROGE W. BLAKELY)

Defendant

JANE FAIA MENTZ

Attorney for Plaintiff

Attorney for Defendant

Date of Filing OCOTBER 11,1990 JL

3084

HP Exhibit 0189 (80)

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90-0702

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 407,210 DIVISION "A"

FILED FOR RECORD '90 DEC 7 PM 2 25 DEPUTY CLERK PARISH OF JEFFERSON, LA

CODED-11

FOSTER MORTGAGE CORPORATION

VERSUS

GEORGE WASHINGTON BLAKELY
(A/K/A GEORGE W. BLAKELY)

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of Foster Mortgage Corporation, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), George Washington Blakely (a/k/a George W. Blakely), is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s), George Washington Blakely (a/k/a George W. Blakely).

IT IS ORDERED BY THE COURT, that [signature] attorney at law be and he is hereby appointed curator ad hoc for

not of appt

DATE DEC 19 1990

S/ MYRA LANDIX
Deputy Clerk

CODED

I 2 2 0 9 0 0 4 1 1

defendant(s) George Washington Blakely (a/k/a George W. Blakely), in these proceedings and that a Writ of Seizure and Sale issue herein, and be served upon said attorney at law.

Gretna, Louisiana, this 11th day of December, 19 90

CODED

JUDGE

Respectfully submitted,

SHAPIRO AND KREISMAN

BY:
JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
KAREN A. CROSBY
Louisiana Bar Roll No. 19313
Attorneys for Plaintiff
3850 N. Causeway Blvd., Suite 710
Metairie, LA 70002
(504) 831-7726

ON MINUTES
DEC 13 1990

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 408362

DIV DI

G. THOMAS [illegible], JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

RESOLUTION TRUST CORPORATION, AS RECIEVER FOR ENTERPRISE FEDERAL SAVINGS AND LOAN ASSOCIAT

Plaintiff

VS.

ROBIN KEARNEY

Defendant

MARK C. LANDRY

Attorney for Plaintiff

Attorney for Defendant

Date of Filing NOVEMEBR 5,1990 JL

HP Exhibit 0189 (81)

3087

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$157

CODED

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 408-362 DIVISION " "

DIV. A JUDGE G. THOMAS PORTEUS, JR.

RESOLUTION TRUST CORPORATION, AS RECEIVER FOR ENTERPRISE FEDERAL SAVINGS AND LOAN ASSOCIATION

CODED

VERSUS

ROBIN KEARNEY

FILED: _____ _____ DEPUTY CLERK

FILED FOR RECORD NOV 5 3 37 PM '90 BY CLERK OF COURT PARISH OF JEFFERSON LA

PETITION FOR EXECUTORY PROCESS

The petition of Resolution Trust Corporation, a corporation organized by Act of Congress, domiciled in the City of Washington, District of Columbia, as receiver for Enterprise Federal Savings and Loan Association, a federal savings and loan association incorporated under the laws of the United States of America, having its principal place of business in the Parish of Jefferson, State of Louisiana, respectfully represents the following:

I.

Made defendant herein is Robin Kearney, a person of the full age of majority, domiciled in the City of Deerfield Beach, State of Florida.

II.

Plaintiff is the holder in due course and owner for valuable consideration before maturity of a certain promissory note in the amount of $49,500.00 dated December 5, 1984, payable to the order of Enterprise Federal Savings and Loan Association, and executed by defendant. The original of said promissory note is attached hereto and made a part hereof.

III.

Plaintiff, Resolution Trust Corporation, as receiver for Enterprise Federal Savings and Loan Association is the present holder of the promissory note. Although the promissory note is payable to the order of Enterprise Federal Savings and Loan Association, plaintiff is the holder of said promissory note by virtue of the following:

A. On November 20, 1985, Enterprise Federal Savings and

ISSUED not of demand not of appt. NOV 14 1990

DATE _____

S/ MYRA LANDIX

Deputy Clerk

CODED

file note & mortgage in result

CODED

01 2 1 9 0 0 1 0 3 8

Loan Association endorsed said note to the order of Federal Home Loan Bank of Dallas.

B. On April 13, 1989, the Federal Home Loan Bank of Dallas endorsed said note to the order of the Resolution Trust Corporation as Receiver for Enterprise Federal Savings and Loan Association.

C. The Director of the Office of Thrift Supervision, by order No. 89-145, dated September 7, 1989, appointed Resolution Trust Corporation as receiver for Enterprise Federal Savings and Loan Association.

D. The foregoing is evidenced by a certified copy of an Act of Deposit which acknowledges documents which evidence the occurrences described in the foregoing paragraph. Said certified copy of the Act of Deposit is attached hereto and made a part hereof.

IV.

The said promissory note was paraphed "Ne Varietur" for identification with an act of mortgage dated December 5, 1984, passed before Henry G. Sullivan, Jr., Notary Public in and for the Parish of Jefferson, State of Louisiana, recorded in the public records of the Parish of Jefferson at MOB 1028, folio 299. A certified copy of said act of mortgage is attached hereto and made a part hereof.

V.

In the act of mortgage herein referred to, the said defendant did specially mortgage, effect and hypothecate unto and in favor of all future holders of said promissory note, the following described property, situated in the Parish of Jefferson, State of Louisiana, to wit:

> ONE CERTAIN CONDOMINIUM UNIT, together with its appurtenant interest in the common elements, described as UNIT 311, CYPRESS COURT CONDOMINIUM, Jefferson Parish, Louisiana, all as shown on a plat by BFM Corporation, R.P. Fontcuberta, Jr., PLS, dated March 26, 1984, annexed as Exhibit "A" to that certain "Declaration Creating and Establishing Condominium Property Regime for the Cypress Court Condominium", executed by Seville Properties, Inc., dated March 15, 1984, acknowledged same date before Karl M. Hansen, Jr., Notary Public, registered COB 1032, folio 358, Jefferson Parish, Louisiana,

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whereby Seville Properties, Inc. created and established said condominium property regime on that certain immovable property described as follows:

TWO CERTAIN LOTS OF GROUND, together with all the buildings and improvements thereon and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, in that part known as HESSMER FARMS, designated as LOTS 118-A and 118-X-1, in that square bounded by Edenborn Drive, Interstate Highway No. 10, Division Street (side), Canal No. 4 (43rd Street) side, in accordance with a plan of resubdivision by R. Fontcuberta, Jr., Land Surveyor, dated January 18, 1984, approved by the Jefferson Parish Council, Ordinance No. _____, which lots or portions of ground adjoin each other and measure as follows:

LOT 118-X-1 fronts 95.56' feet on Edenborn Drive by a depth of 302.33' feet on the Interstate Highway No. 10 side, by a width in the rear of 99.07' feet (actual), 99.09' feet (plan), by a depth on the side line adjoining Lot 118-A of 300.14' feet.

LOT 118-A adjoins Lot 118-X-1 and fronts 125' feet on Edenborn Drive, by a depth of 300.14' feet on the side adjoining Lot 118-X-1, having a width in the rear of 124.93' feet (actual), 125.06' feet (plan), and a depth on the Canal No. 4 (43rd Street) side of 297.4' feet, all as per aforementioned plan of R. Fontcuberta, Land Surveyor, dated January 18, 1984.

Being the same property acquired by Robin Kearney from Seville Properties, Inc. by act before Henry G. Sullivan, Jr., Notary Public, dated December 5, 1984, registered in COB _____, folio _____, Parish of Jefferson, Louisiana.

VI.

In the said Act of Mortgage, the said defendant confessed judgment upon the promissory note in favor of plaintiff and any future holder of the promissory note, and consented that if same were not paid in accordance with its stated terms and conditions and the stipulations of the act, then the said property might be seized and sold under executory process to the highest bidder, for cash, all of which will more fully appear by reference to the certified copy of the act of mortgage annexed hereto and made a part hereof.

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VII.

Under the terms of the act of mortgage, defendant further agreed to pay 20% attorney's fees in the event of suit.

VIII.

Plaintiff alleges that said promissory note is in default and, therefore, it is fully due and payable and fully mature for the following reasons, to wit:

1. Defendant has failed to pay her installment payment due on October 1, 1986, and the continuing installments due thereafter in accordance with the terms of the promissory note and act of mortgage.

2. Amicable demand for payment in full was made upon the defendant by correspondence dated December 22, 1986, in accordance with the act of mortgage, to no avail.

IX.

There remains due and owing unto plaintiff the following sums on the said promissory note:

1. Principal in the amount of $49,188.21.

2. Interest in the amount of $24,380.85, accrued through October 18, 1990, together with interest at the rate of 12% per annum from October 19, 1990, until paid.

3. Late charges in the amount of $1,273.08.

4. Attorney's fees in the amount of 20% of principal and interest.

5. All costs of these proceedings, including court costs and sheriff's costs.

X.

Defendant is a non-resident of the State of Louisiana, on information and belief now being domiciled in the State of Florida, and it is therefore necessary for the Court to appoint an attorney at law to represent her.

WHEREFORE, the premises and the annexed documents considered, Resolution Trust Corporation as receiver for Enterprise Federal Savings and Loan Association prays that an order of Executory Process issue herein, that defendant be served with the demand for payment required by Louisiana Code of Civil Procedure Article 2639, and upon defendant failing to comply therewith, a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, with appraisement and with the delays provided in

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Articles 2639 and 2640 of the Louisiana Code of Civil Procedure, and according to law, for cash, the property described in paragraph V above, to pay and satisfy the claim of plaintiff in the following amounts:

1. Principal in the amount of $49,188.21.

2. Interest in the amount of $24,380.85, accrued through October 18, 1990, together with interest at the rate of 12% per annum from October 19, 1990, until paid.

3. Late charges in the amount of $1,273.08.

4. Attorney's fees in the amount of 20% of principal and interest.

5. All costs of these proceedings, including court costs and sheriff's costs.

And that out of the proceeds of the sale of the property subject to the mortgage, plaintiff be paid the amount of its claim in preference and priority over all other person or entities.

NEWMAN, MATHIS, BRADY & WAKEFIELD
A Professional Law Corporation
212 Veterans Boulevard
Metairie, Louisiana 70005
Telephone: (504) 837-9040

By: _____
MARK C. LANDRY
LA Bar Roll No. 7991

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. DIVISION " "

RESOLUTION TRUST CORPORATION, AS RECEIVER FOR ENTERPRISE FEDERAL SAVINGS AND LOAN ASSOCIATION

VERSUS

ROBIN KEARNEY

FILED: _____ _____
DEPUTY CLERK

VERIFICATION

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared:

MITCH OVERMILLER,

who, after being duly sworn, did depose and say:

That he is employed by plaintiff, in the capacity of Asset Specialist. That in the ordinary course of business he has become personally familiar with the account of the defendant. That he has read all of the allegations contained in the above and foregoing Petition for Executory Process and that all of the allegations of fact contained therein are true and correct to the best of his knowledge, information and belief.

MITCH OVERMILLER

Sworn to and subscribed before me this 18 day of October, 1990.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. DIVISION " "

RESOLUTION TRUST CORPORATION, AS RECEIVER FOR ENTERPRISE FEDERAL SAVINGS AND LOAN ASSOCIATION

VERSUS

ROBIN KEARNEY

FILED: _____ _____
DEPUTY CLERK

ORDER

LET executory process issue as prayed for herein, and let Robert G. Creely, attorney at law, be and he is hereby appointed to represent the absent defendant Robin Kearney.

Gretna, Louisiana, this 7th day of November, 1990.

CODED

ON MINUTES

NOV 13 1990

JUDGE

Please serve defendant with appropriate notices including the Article 2639 three day notice of demand for payment:

ROBIN KEARNEY
through her duly appointed curator ad hoc

LAST KNOWN ADDRESS:

1228 South Military Trail
Deerfield Beach, Florida

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

DIV

Nº 408817

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

RESOLUTION TRUST CORPORATION AS RECIVER FOR ENTERPRISE FEDERAL SAVINGS AND LOAN ASSOCIATION

Plaintiff

VS.

CARMEN EDWARDS BATISTE, IWFE OF/ABD KEVIN D. BATISTE

Defendant

IRA J. MIDDLBERG *Attorney for Plaintiff*

Attorney for Defendant

Date of Filing NOVEMBER 14,1990 JL

HP Exhibit 0189 (82)

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EFSLA 1938-0028 / LOAN NO. 10-10018896

FILED FOR RECORD
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DEPUTY CLERK
PARISH OF JEFFERSON, LA.

CODED-11

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 408-817, DIVISION "A"

RESOLUTION TRUST CORPORATION AS RECEIVER FOR
ENTERPRISE FEDERAL SAVINGS AND LOAN ASSOCIATION

-VERSUS-

CARMEN EDWARDS BATISTE, WIFE OF/AND KEVIN D. BATISTE

SUPPLEMENTAL AND AMENDED
PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

The Supplemental and Amended Petition for Executory Process on Mortgage Note of **RESOLUTION TRUST CORPORATION AS RECEIVER FOR ENTERPRISE FEDERAL SAVINGS AND LOAN ASSOCIATION**, respectfully represents that it desires to supplement and amend its original petition for executory process on mortgage note earlier filed on November 14, 1990.

I.

By amending paragraph one (1) of the original petition to read as follows, to-wit:

1.

Defendants, Carmen Edwards Batiste and Kevin D. Batiste are persons the full age of majority whose whereabouts are unknown to petitioner.

CODED
ISSUED not of appt w/ not of dem
DATE JAN 17 1991
S/ MYRA LANDIX
Deputy Clerk

II.

By adding paragraph fourteen (14) to read as follows, to-wit:

14.

This Court has jurisdiction over the property which this mortgage is sought to be enforced; but because defendants, Carmen Edwards Batiste and Kevin D. Batiste are absentees who cannot be served personally with process, an attorney at law should be appointed to represent them.

III.

Your petitioner reurges and reiterates each and every other allegation set forth in the original petition as if copied in extenso.

WHEREFORE, petitioner prays that an attorney at law be appointed to represent the absentee defendants, Carmen Edwards Batiste and Kevin D. Batiste, that after notice of demand for payment, and that a writ of seizure and sale issue directing the Sheriff for the Parish of Jefferson, State of Louisiana to seize and sell the mortgaged property with appraisement, and according to law to satisfy petitioner's claim as originally prayed for herein.

MIDDLEBERG RIDDLE & GIANNA
201 ST. CHARLES AVENUE, 31ST FLOOR
NEW ORLEANS, LOUISIANA 70170-3100
TELEPHONE: (504) 525-7200
ATTENTION: FORECLOSURE DEPARTMENT

IRA J. MIDDLEBERG
BAR NUMBER 9640

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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PLEASE SERVE:

CARMEN EDWARDS BATISTE
KEVIN D. BATISTE
THROUGH COURT APPOINTED COUNSEL

ORDER

CONSIDERING the allegations in the foregoing supplemental and amended petition for executory process on mortgage note,

IT IS ORDERED by the Court that Robert D. Kively attorney at law, be and is hereby appointed as Curator Ad Hoc to represent the absentee defendants, CARMEN EDWARDS BATISTE AND KEVIN D. BATISTE, in this proceeding.

GRETNA, LOUISIANA, this 16th day of January, 1991.

CODED

JUDGE

ON MINUTES
JAN 16 1991

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DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A

JUDGE

DIV E. THOMAS PORTEOUS, JR.

3099

Nº 419824

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FIEDDRAL MATIONAL MORTGAGE ASSOCIATION

Plaintiff

vs.

~~JOYCE KELLY ALBERT~~, (JOYCE KELLY), DIVORCED WIFE OF HERBERT C. ALBERT, JR

Defendant

~~JAMES C. ARCENEAUX~~, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing ~~DECEMBER 10,1990~~ JL

HP Exhibit 0189 (84)

CODED

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 409-824 DIVISION "

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

JOYCE KELLY ALBERT, (JOYCE KELLY), DIVORCED WIFE OF HERBERT C. ALBERT, JR.

FILED: _____ _____ DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Federal National Mortgage Association, a corporation organized and existing under the laws of the United States of America and whose permanent mailing address is 13455 Noel Road, Suite 600, Dallas, Texas 75201, with respect represents.

I.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Joyce Kelly Albert who was a resident of and domiciled in the Parish of Jefferson, State of Louisiana, payable to the order of Laurance Eustis Mortgage Corporation in the principal sum of $74,100.00 dated June 1, 1983 payable at P.O. Box 61900, New Orleans, Louisiana 70161, or at such other place as the holder may designate in writing, in fixed monthly installments, including principal and interest of $796.59 commencing on the first day of August, 1983 and payable in full on or before the first day of July, 2013. The said note bears interest at the rate of 12.60% percent per annum on the unpaid balance from date until paid, and which said note is paraphed "Ne Varietur" for identification with an Act of Mortgage dated June 1, 1983 and passed before James G. Sax, Notary Public in and for the

file note + mortgage in vault
MJ

JAN 03 1990

CODED

CODED

ISSUED Not of demand w/ note upx

DATE JAN 03 1990

S/ MYRA LANDIX
Deputy Clerk

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Parish of Orleans and two witnesses, and duly recorded in MOB 881, folio 885, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

II.

The said mortgagor did, in the said act, waive all homestead exemptions to which she may be entitled under the Constitution and laws of the State of Louisiana.

III.

In the above mentioned Act, the mortgagor agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Laurance Eustis Mortgage Corporation lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagor bound and obligated herself not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

IV.

In the above mentioned act, the said mortgagor confessed judgment on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

V.

In the said act hereinabove referred to, the said mortgagor did specially mortgage, affect and hypothecate unto and in favor of the mortgagee, Laurance Eustis Mortgage Corporation and any and all other future holders of the note, the following described property situated in the Parish of Jefferson, State

of Louisiana, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, designated as WOODMERE SUBDIVISION, SECTION 7, all as per plan of resubdivision by J.J. Krebs & Sons, Inc., C.E. & S., dated July 24, 1978, approved by the Jefferson Parish Council by Ordinance No. 13812, on March 28, 1979, registered April 27, 1979 in COB 955, folio 226, same being designated as follows:

Lot 1877, Square RR, Which Square is bounded by West Catawba Drive, Catawba Court (side), 90 degree Canal Right of Way and Eastview Drive, and said lot commences 1,016.12 feet from the corner of West Catawba Drive and Eastview Drive with a first frontage of 42.15 feet, a urther frontage of 14.45 feet and a further frontage of 5.81 feet, all on West Catawba Drive, 60 feet in rear, by a depth of 91.49 feet on the northerly lot line and a depth of 100 feet on the opposite lot line. All as more fully shown on survey by Gilbert, Kelly & Couturie, Inc., dated May 26, 1983.

Improvements thereon bear Municipal No. 2500 West Catawba Drive, Harvey, La. 70058.

VI.

By Act of Notarial Endorsement and Assignment of Mortgage Note dated June 24, 1983 executed before Grayuord F. Martin, Notary Public, the above described mortgage note was transferred and assigned by Laurance Eustis Mortgage Corporation unto Federal National Mortgage Association, which said assignment is attached hereto and made a part hereof and marked Plaintiff's Exhibit "C".

VII.

The petitioner herein, Federal National Mortgage Association, has been advised that the whereabouts of Joyce Kelly Albert, the defendant herein, are unknown and it will therefore be necessary for this Honorable Court to appoint an attorney to represent the absent defendant.

VIII.

The mortgagor having failed to make the payments required under the terms of her mortgage, is in default under the terms of said mortgage and Standard Mortgage Corporation, as

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servicing agent for Petitioner has given due notice of default to mortgagor herein on July 16, 1990 (copy of default letter annexed). Petitioner has exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from May 1, 1990 to date.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent Joyce Kelly Albert and, further, petitioner prays for an order of Executory Process herein, that due notice of demand be served upon the defendant and thereafter, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell without appraisement and, after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of $71,750.75 with 12.60% percent interest thereon from April 1, 1990 until paid, together with 10.00% percent attorney's fees on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEAUX

BY James C. Arceneaux III
JAMES C. ARCENEAUX, III
Bar Roll No. 2524
210 Baronne Street
Suite 1210 First NBC Building
New Orleans, Louisiana 70130
Phone: (504) 522-8256

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

JAMES C. ARCENEAUX, III

who, being by me first duly sworn, did depose and say:

That he is the attorney for Standard Mortgage Corporation, servicing agent for Federal National Mortgage Association and that, as such, he is familiar with the account of Joyce Kelly Albert, Account No. 056561 (342), which said account has a principal balance of $71,750.75 plus interest at a rate of 12.60% from April 1, 1990 until paid, which said account is currently due for the months of May 1, 1990 until date; that he has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct to the best of his knowledge, information and belief.

James C. Arceneaux III
JAMES C. ARCENEAUX, III

SWORN TO AND SUBSCRIBED BEFORE ME,

This 21st day of November, 1990

Patricia R. Francis
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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ORDER

Considering the allegations of the foregoing petition and the exhibits annexed thereto let Executory Process issue herein. It is further ordered that a Notice of Demand for payment be served on defendants herein and thereafter that a writ of seizure and sale issue herein, as prayed for according to law without appraisement.

Let Robert D Creely, Esq. be appointed Curator-ad-Hoc to represent the absent defendant, Joyce Kelly Albert.

Gretna, Louisiana

Dec 12, 1990, 1990

CODED

JUDGE

ON MINUTES
DEC 13 1990

PLEASE SERVE:
(1) NOTICE OF APPOINTMENT
(2) NOTICE OF DEMAND
(3) NOTICE OF SEIZURE AND SALE
(4) COPY OF PETITION ON:

_____, Esq.
Curator-ad-Hoc to represent the absent defendant
Joyce Kelly Albert

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
THOMAS PORTEOUS, JR.

DIV

Nº 409873

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

RESOLUTION TRUST CORPORATION AS CONSERVATOR FOR FRANKLIN SAVINGS ASSOCIATION

Plaintiff

VS.

TONY JOSPEH CANTRLEE, JR. AND MILDRED AVIRAGNET CANTRELLE AND JON GREGORY MAXWELL AND,ET AL

Defendant

JANE FAIA MENTZ

Attorney for Plaintiff

Attorney for Defendant

Date of Filing ~~DECEMBER 11,1990 JL~~

HP Exhibit 0189 (85)

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CODED 1

90-0874

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. A

NO. 409-873

JUDGE G. THOMAS PORTEOUS, JR.

DIVISION

FILED FOR RECORD DEC 11 2 08 PM '90 DY. CLERK OF COURT PARISH OF JEFFERSON LA

CODED 1

RESOLUTION TRUST CORPORATION
AS CONSERVATOR FOR FRANKLIN SAVINGS ASSOCIATION

VERSUS

TONY JOSEPH CANTRELLE, JR.

AND

MILDRED AVIRAGNET CANTRELLE

AND

JON GREGORY MAXWELL

AND

DEBBIE BRINKLEY FOUNTAIN

AND

ANGUS A. FOUNTAIN

FILED: _____ _____
DEPUTY CLERK

note + Mortgage Filed in Vault 12-11-90 F. M. CODED

PETITION FOR EXECUTORY PROCESS

The petition of Resolution Trust Corporation as Conservator for Franklin Savings Association, a corporation organized under the laws of the United States of America, with respect represents:

I.

Petitioner is the holder and owner for valuable consideration, and before maturity, of that certain promissory note, payable to the order of "Ourselves", and by the makers thereof duly endorsed in blank, made, subscribed and executed by Tony Joseph Cantrelle, Jr. and Mildred Aviragnet Cantrelle, defendants herein, which said note is dated March 31, 1983, in the original principal sum of Forty-Eight Thousand Four Hundred Fifty and No/100 ($48,450.00) Dollars, with principal and interest payable at the rate of Four Hundred Ninety-Eight and 37/100 ($498.37) Dollars per month, commencing on the first day of May, 1983, and bearing Twelve (12%) percent per annum interest from date, and providing that said note shall bear attorney's fees in the amount of Ten (10%) percent of all sums due under said note, which said note is secured and is

CODED not of appt. w/ orig. Pet.
DATE JAN 3 - 1991
F. Morris

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officially paraphed "Ne Varietur" in conformity with an Act of Mortgage passed before Patricia B. Arnona, Notary Public, dated March 31, 1983 and which mortgage is recorded in Mortgage Office Book 875, folio 930, Entry Number 83-12163, Parish of Jefferson, State of Louisiana. Said note is secured by an Act of Vendor's Lien Mortgage, in favor of "Carruth Mortgage Corporation", on the following described property, to-wit:

> THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, in that part known as MEADOWBROOK SUBDIVISION, UNIT NO. 1 and according to a plan of subdivision made by J. J. Krebs & Sons, C. E., dated April 22, 1965, revised August 9, 1965, approved by the Jefferson Parish Council on August 19, 1965, Ordinance No. 7276, said portion of ground is designated, situated and measures as follows:
>
> LOT 28, located in SQUARE 17, bounded by Willowbrook Drive, Juniper Drive, Mt. Laural (or Mt. Laurel) Drive and the East line of the subdivision. Lot 28 measures 60 feet front on Willowbrook Drive, same width in the rear, by a depth of 120 feet between equal and parallel lines. Lot 28 lies nearer to and commences 305.65 feet from the corner of Willowbrook and Juniper Drives. All as more fully shown on survey made by William Maier, C.E., dated October 17, 1970, except that the East Line of the subdivision side is presently shown as Servitude Jefferson-Plaquemines Drainage District. All according to survey by Sterling Mandle, Land Surveyor, dated March 24, 1983, except that said Square 17 is bounded by Willowbrook Drive, Juniper Drive, 100' Drainage Servitude in favor of Jefferson Plaquemines Drainage District and Mt. Laural Drive (side), a copy of which survey is annexed hereto and made a part hereof.
>
> The improvements thereon bear Municipal Number 641 Willowbrook Drive.

II.

Carruth Mortgage Corporation has since changed its name to Mellon Financial Services Corporation #7. Said note is endorsed "Pay to the Order of Franklin Savings Association, without recourse, Carruth Mortgage Corporation", which, together with an act of notarial assignment of mortgage note passed before Debbie S. Detinne, Notary Public, dated August 31, 1989, transferred said note from Carruth Mortgage Corporation (n/k/a Mellon Financial services Corporation #7) to Franklin Savings Association. Said note is further endorsed in blank by Franklin Savings Association, however, as appears by the annexed affidavit by petitioner, said endorsement was not consummated and the blank endorsement has been duly cancelled on the rear of said note. Said Franklin Savings

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Association has been placed into conservatorship and the Resolution Trust Corporation has been appointed as Conservator for Franklin Savings Association. Accordingly, Resolution Trust Corporation as Conservator for Franklin Savings Association, your petitioner herein, is the last holder and owner of note.

III.

In the above described Act of Mortgage, the said mortgagors Tony Joseph Cantrelle, Jr. and Mildred Aviragnet Cantrelle, confessed judgment upon said note and consented that if same were not paid in accordance with the terms and conditions thereof, that said property might be seized and sold by executory process for cash with or without appraisement, and without the necessity of legal demand for payment, or putting in default. The Mortgagor further agrees in said Act of Mortgage not to sell, alienate or encumber said property to the prejudice of said Act. The said act further provides that the mortgagors will pay the reasonable and customary fees of the attorney employed to collect the said note and mortgage. Said mortgagors have likewise waived all homestead exemptions.

IV.

The said note and mortgage further provides that if any installment of principal and interest, or any part thereof shall remain unpaid on the said date when such installment is due, that the said note would be in default and the holder of the said note and mortgage shall then have the right to accelerate the terms thereof in the full amount, and the full unpaid balance in principal and interest shall immediately become due and owing together with said attorney's fees.

V.

The said note and mortgage further provide that if the monthly payments stipulated in said act of mortgage are in arrears the mortgagee may collect a "late charge" not to exceed four cents ($.04) for each dollar ($1) of each payment more than fifteen (15) days in arrears to cover the extra expense involved in handling delinquent payments. The current monthly payments are in the sum of $575.00 which allows the mortgagee to charge a late charge of

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$23.00 on each installment delinquent in excess of fifteen (15) days.

VI.

Petitioner avers that the said Tony Joseph Cantrelle, Jr. and Mildred Aviragnet Cantrelle, Tony Joseph Cantrelle, Jr. being represented by his agent and attorney in fact Mildred Aviragnet Cantrelle, did, by an act of sale with assumption of mortgage passed before Patricia B. Arnona, Notary Public, dated June 29, 1984, recorded in Conveyance Office Book 1078, folio 932, Instrument No. 84-32349, Jefferson Parish, Louisiana, grant, bargain, sell and convey said property to Jon Gregory Maxwell. That in said act of sale with assumption of mortgage the said Jon Gregory Maxwell did assume and obligate himself to all of the original terms and conditions of the note and mortgage sued upon herein. Petitioner further avers that the said Jon Gregory Maxwell, husband of Kathey Boudreaux Maxwell, did, by an act of sale with assumption of mortgage passed before Ellen Mullins, Notary Public, dated August 5, 1988, recorded in Mortgage Office Book 2314, folio 81, Instrument No. 88-37238, Jefferson Parish, Louisiana, grant, bargain, sell and convey said property to Debbie Brinkley Fountain and Angus A. Fountain. That in said act of sale with assumption of mortgage the said Debbie Brinkley Fountain and Angus A. Fountain did assume and obligate themselves to all of the original terms and conditions of the note and mortgage sued upon herein.

VII.

Petitioner avers that the said note and mortgage are past due and exigible and that the monthly installment due on January 1, 1990 and all subsequent installments are due and unpaid, and that because of said default, the entire unpaid principal balance in the sum of $46,762.47 together with interest at the rate of Twelve (12%) percent per annum from December 1, 1989, plus late charges of $23.00 on each delinquent installment since January 16, 1990, together with attorney's fees in the amount of Ten (10%) percent of all sums due, owing and unpaid.

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VIII.

Petitioner annexes hereto and makes a part hereof the following documents (1) The original promissory note in the sum of Forty-Eight Thousand Four Hundred Fifty and No/100 ($48,450.00) Dollars, marked as Plaintiff's Exhibit "A", (2) A certified true copy of the act of vendor's lien mortgage, marked as Plaintiff's Exhibit "B", (3) A certified true copy of the act of notarial assignment of mortgage note by Mellon Financial Services Corporation #7 (f/k/a Carruth Mortgage Corporation) to Franklin Savings Association, marked as Plaintiff's Exhibit "C", (4) Petitioner's affidavit of non-consummation and cancellation of blank endorsement, marked as Plaintiff's Exhibit "D", (5) A certified true copy of appointment of conservator for Franklin Savings Association, marked as Plaintiff's Exhibit "E", (6) A certified true copy of the act of sale with assumption of mortgage by Tony Joseph Cantrelle, Jr. and Mildred Aviragnet Cantrelle to Jon Gregory Maxwell and power of attorney by Tony Joseph Cantrelle, Jr. to Mildred Aviragnet Cantrelle, marked as Plaintiff's Exhibit "F", and (7) A certified true copy of the act of sale with assumption of mortgage by Jon Gregory Maxwell, husband of Kathey Boudreaux Maxwell, to Debbie Brinkley Fountain and Angus A. Fountain, marked as Plaintiff's Exhibit "G", and makes all a part hereof as though copied at length herein.

IX.

Petitioner alleges that the defendants, Tony Joseph Cantrelle, Jr., Mildred Aviragnet Cantrelle, Jon Gregory Maxwell, Debbie Brinkley Fountain and Angus A. Fountain, are not in the military service of the United States or any of its allies. Petitioner further alleges that the defendants Tony Joseph Cantrelle, Jr. and Mildred Aviragnet Cantrelle are currently residing at Wedgefield Plantation, Apt. 20, Highway 701 North, Georgetown, S.C. and accordingly are absentee defendants. Petitioner alleges that it is entitled to the appointment of an attorney to represent defendants, Tony Joseph Cantrelle, Jr. and Mildred Aviragnet Cantrelle, all in accordance with Civil Code of Procedure Article 5091.

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X.

Petitioner alleges amicable demand to no avail.

WHEREFORE, the premises and annexed documents and affidavit considered, petitioner prays that this court appoint a curator ad hoc to represent the absentee defendants in these proceedings, and that a Writ of Executory Process issue herein, that a Writ of Seizure and Sale issue immediately herein, directing the Civil Sheriff for the Parish of Jefferson, State of Louisiana, to seize, and after due advertisements, delays, requisites and formalities, save those expressly waived in the above described act of mortgage, to sell the said property described above according to law, for cash and **without benefit of appraisal**, to pay and satisfy the claim of your petitioner in the full sum of $46,762.47 Dollars, with interest thereon at the rate of Twelve (12%) percent per annum from December 1, 1989, together with late charges of $23.00 on each delinquent monthly installment since January 16, 1990, together with attorney's fees in the amount of Ten (10%) percent of all sums due, and all costs of these proceedings, and petitioner prays to be paid the above amounts by preference and priority over all persons whatsoever, and for all other general and equitable relief.

Respectively submitted,

SHAPIRO AND KREISMAN

BY: _____

JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
KAREN A. CROSBY
Louisiana Bar Roll No. 19313
Attorneys for Petitioner
3850 N. Causeway Blvd.
Suite 710
Metairie, Louisiana 70002
Telephone No. (504) 831-7726

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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ORDER

CONSIDERING the allegations of the foregoing petition and the exhibits attached thereto, it is ordered that Robert J. Creely attorney at law be and is hereby appointed to represent the absent defendants, Tony Joseph Cantrelle, Jr. and Mildred Aviragnet Cantrelle, herein.

IT IS FURTHER ORDERED that Executory Process issue herein, as prayed for and according to law and that the writ of seizure be served upon all defendants and upon the attorney at law appointed to represent the absent defendants, Tony Joseph Cantrelle, Jr. and Mildred Aviragnet Cantrelle.

Gretna, Louisiana, this 12th day of December 19 90

CODED

JUDGE

PLEASE SERVE DEFENDANTS

ON MINUTES DEC 13 1990

Attorney at Law appointed to represent Tony Joseph Cantrelle, Jr. and Mildred Aviragnet Cantrelle

AND

Jon Gregory Maxwell
641 Willowbrook Drive
Gretna, Louisiana 70056

AND

Debbie Brinkley Fountain
641 Willowbrook Drive
Gretna, Louisiana 70056

AND

Angus A. Fountain
641 Willowbrook Drive
Gretna, Louisiana 70056

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908 - Derbigny
Metairie, LA 70053

PLEASE SERVE FOR PURPOSE OF NOTICE ONLY

Kathey Boudreaux Maxwell
641 Willowbrook Drive
Gretna, Louisiana 70056

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

№ 410042

DIV. A

JUDGE

E. THOMAS CORTEGUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

JEFFERSON SAVINGS & LOAN ASSOCIATION

Plaintiff

VS.

HUGH PIERCE CHAMPAGNE, CARMELITE MARTINEZ, WIFE OF/AND LOUIS GEORGE CHAMPAGNE, ET AL

Defendant

WARREN E. MOULEDOUX, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing DECEMBER 14, 1990 JL

HP Exhibit 0189 (87)

3114

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 410-042 DIVISION "A"

JEFFERSON SAVINGS & LOAN ASSOCIATION

VERSUS

HUGH PIERCE CHAMPAGNE, CARMELITE MARTINEZ, wife of/and LOUIS GEORGE CHAMPAGNE, JOYCE BARBER and CLARE GRAY CHAMPAGNE

FILED FOR RECORD '91 FEB 19 PM 3 49 PARISH OF JEFFERSON

FILED: _____ _____ DEPUTY CLERK

SUPPLEMENTAL AND AMENDING
PETITION FOR EXECUTORY PROCESS

NOW INTO COURT, through undersigned counsel, comes JEFFERSON SAVINGS & LOAN ASSOCIATION, plaintiff in the above entitled and numbered cause, who desires to supplement and amend its original Petition For Executory Process, filed herein on the 14th day of December, 1990, in the following respects:

I.

By adding Paragraph 16 to the original Petition to read as follows:

16.

On information and belief and subsequent to the filing of the original petition, petitioner learned that the defendant, Louis George Champagne, is deceased. Petitioner avers that the defendant, Hugh Pierce Champagne, was recognized as the sole heir of the decedant and was placed into possession of the decedent's entire estate pursuant to a judgment rendered on November 9, 1982 in the matter entitled "Succession of Louis George Champagne" Proceedings No. 274-149 of the 24th Judicial District Court for the Parish of Jefferson. Petitioner avers that it has the right to proceed in the above entitled and numbered cause against the defendant, Hugh Pierce Champagne, pursuant to the provisions of Louisiana Code of Civil Procedure Article 2672.

II.

By adding Paragraph 17 to the original Petition to read as follows:

ISSUED not of agent
MAR 0 1991
DATE
S/ MYRA LANDIX
Deputy Clerk

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On information and belief and subsequent to the filing of the original petition, petitioner learned that the defendant, Carmelite Martinez Champagne, is deceased. Petitioner avers that the succession of the decedent, Carmelite Martinez Champagne, has not been judicially opened and that no judgment of possession has been rendered. Therefore, under Louisiana Code of Civil Procedure Article 2674 it will be necessary to appoint an attorney at law to represent her.

III.

By amending the prayer of the original Petition to include the following:

Petitioner further prays that it be authorized to proceed against the defendant, Hugh Pierce Champagne, pursuant to the provisions of Louisiana Code of Civil Procedure Article 2672.

Petitioner further prays that an attorney at law be appointed to represent the deceased, Carmelite Martinez Champagne, pursuant to the provisions of Louisiana Code of Civil Procedure Article 2674.

WHEREFORE, petitioner, reiterating the prayer of its original petition as though set forth at length herein, prays that its original petition be supplemented and amended in the above particulars and that, after due proceedings had, there be judgment herein in favor of the petitioner, Jefferson Savings & Loan Association and against the defendants, Hugh Pierce Champagne, Carmelite Martinez, wife of/and Louis George Champagne, Joyce Barber and Clare Gray Champagne, as originally prayed for herein.

Petitioner further prays that an Attorney at Law be appointed to represent the deceased, Carmelite Martinez Champagne, in accordance with Louisiana Code of Civil Procedure, Article 2674.

Petitioner further prays that it be authorized to proceed against the defendant, Hugh Pierce Champagne, pursuant to the

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provisions of Louisiana Code of Civil Procedure Article 2672.

HALL, LENTINI, MOULEDOUX
& WIMBERLY

WARREN E. MOULEDOUX, JR., NO. 9782
Attorney for Petitioner
2551 Metairie Road
Metairie, Louisiana 70001
Telephone: (504) 838-8777

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 410-042 DIVISION "A"

JEFFERSON SAVINGS & LOAN ASSOCIATION

VERSUS

HUGH PIERCE CHAMPAGNE, CARMELITE MARTINEZ,
wife of/and LOUIS GEORGE CHAMPAGNE,
JOYCE BARBER and CLARE GRAY CHAMPAGNE

FILED: _____ _____
DEPUTY CLERK

VERIFICATION

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared: RAYMOND S. MONTALBANO, of lawful age, who, after being by me first duly sworn, did depose and say:

That he is the Vice President of Jefferson Savings & Loan Association, the petitioner in the above and foregoing petition; that he has read the same and re-avers all facts contained therein as if said facts were reproduced in full. Furthermore, to the best of his knowledge and belief, the allegations therein contained are true and correct.

Raymond S. Montalbano
RAYMOND S. MONTALBANO,
Vice-President
Jefferson Savings & Loan Association

Sworn to and subscribed before me, Notary, this 15 day of Feb, 1991.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 410-042 DIVISION "A"

JEFFERSON SAVINGS & LOAN ASSOCIATION

VERSUS

HUGH PIERCE CHAMPAGNE, CARMELITE MARTINEZ,
wife of/and LOUIS GEORGE CHAMPAGNE,
JOYCE BARBER and CLARE GRAY CHAMPAGNE

FILED: _____ _____
DEPUTY CLERK

ORDER

Considering the above and foregoing;

IT IS ORDERED that the foregoing Supplemental and Amending Petition for Executory Process be filed as prayed for; and

IT IS FURTHER ORDERED that petitioner, be and it is hereby authorized to proceed against the defendant, Hugh Pierce Champagne, in accordance with Louisiana Code of Civil Procedure Article 2672.

IT IS FURTHER ORDERED that Robert Creely, Attorney at Law, be appointed to represent the deceased, Carmelite Martinez Champagne, in accordance with Louisiana Code of Civil Procedure, Article 2674.

Gretna, Louisiana, this 21st day of February, 1991.

SIGNED

J U D G E

PLEASE SERVE NOTICE OF SEIZURE
Personally on Attorney at Law
Appointed to Represent the Deceased:
CARMELITE MARTINEZ CHAMPAGNE

HUGH PIERCE CHAMPAGNE
708 Fairfield Avenue
Gretna, Louisiana 70053

ON MINUTES
FEB 22 1991

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 411621

DIV DIV. A
JUDGE
C. THOMAS FORTEROS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

LOUISIANA HOUSING FIANCE AGENCY

Plaintiff

VS.

SUSAN KRAMER

Defendant

JANE FAIA MENTZ

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JANUARY 23,1991 JL

HP Exhibit 0189 (88)

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 411-621 DIVISION "A"

FILED FOR RECORD '91 FEB 25 AM 9 55 DEPUTY CLERK PARISH OF JEFFERSON, LA.

LOUISIANA HOUSING FINANCE AGENCY

VERSUS

SUSAN KRAMER

FILED: _____ _____ DEPUTY CLERK

CODED 21

MOTION TO APPOINT CURATOR

On motion of Louisiana Housing Finance Agency, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Susan Kramer, is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant(s), Susan Kramer.

IT IS ORDERED BY THE COURT, that Robert Creely attorney at law be and he is hereby appointed curator ad hoc for defendant(s) Susan Kramer, in these proceedings and that the

ISSUED not of dept w/ not of demand

CODED DATE MAR 06 1991

S/ MYRA LANDIX

Deputy Clerk

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requisite three (3) day notice of demand for payment be issued herein and served upon said attorney, and after all necessary delays that a Writ of Seizure and Sale issue herein, and be served upon said attorney at law.

Gretna, Louisiana, this 27th day of February, 19 91

CODED

JUDGE

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: _____

JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
STACY C. WHEAT
Louisiana Bar Roll No. 19826
Attorneys for Plaintiff
3850 N. Causeway Blvd., Suite 710
Metairie, LA 70002
(504) 831-7726

ON MINUTES
FEB 28 1991

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
DIV. JUDGE
8 THOMAS PORTEOUS, JR.

Nº 413517

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FISRT NATIONALBANK OF JEFFERSON PARISH

Plaintiff

VS.

ESTATE OF JOSEPH A. JOIA, VICTOR JOIA AND MARY GALE JOIA, WIFE OF LEE H. ELLIOTT, JR.

Defendant

MICHAEL D. HANNAN

Attorney for Plaintiff

Attorney for Defendant

Date of Filing MARCH 5, 1991 JL

HP Exhibit 0189 (91)

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CODED-8

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 413-517 DIVISION A

JUDGE G. THOMAS PORTEOUS, JR.

FIRST NATIONAL BANK OF JEFFERSON PARISH

VERSUS

ESTATE OF JOSEPH A. JOIA, VICTOR J. JOIA AND MARY GALE JOIA, WIFE OF LEE H. ELLIOTT, JR.

CODED-8

FILED: _____ _____ DEPUTY CLERK

PETITION FOR MORTGAGE FORECLOSURE BY EXECUTORY PROCESS

The petition of First National Bank of Jefferson Parish, a National Bank organized under the Laws of the United States of America, with its domicile located in the Parish of Jefferson, State of Louisiana, duly qualified and authorized to do business in the State of Louisiana, respectfully represents:

-1-

Made defendants herein are:

1) Estate of Joseph A. Joia and the interests of the deceased debtor, Joseph A. Joia, formerly domiciled in the Parish of Jefferson, State of Louisiana;

2) Victor J. Joia, a person of the full age of majority domiciled in the Parish of Jefferson, State of Louisiana; and

3) Mary Gale Joia, wife of Lee H. Elliott, Jr., a person of the full age of majority domiciled in the Parish of Jefferson, State of Louisiana.

-2-

Defendants are justly and truly indebted unto your petitioner in the sum of SIXTY-THREE THOUSAND TWO HUNDRED SIXTY-SEVEN AND 61/100 ($63,267.61) DOLLARS, together with interest thereon in the amount of $7,369.60 through March 4, 1991 and thereafter at the rate of 11.25% per annum until paid in full, an attorney's fee of 25% of the aggregate of principal and interest, and all costs of court and expenses, for the following reasons.

-3-

Joseph A. Joia, a mortgagor as more fully described hereinafter, died on May 16, 1989, as is evidenced by the Certificate of Death issued by the Louisiana Vital Records Registry, a certified copy of which is annexed hereto and marked for identification as PLAINTIFF'S EXHIBIT A. On the date of his death Joseph A. Joia was domiciled and had a fixed place of residence in the Parish of Jefferson, State of Louisiana, located at 765 Huckleberry Lane,

CODED file note + mortgage in Vault

CODED ISSUED Not of appt DATE MAR 09 1991 S/ MYRA LANDIX

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Gretna, Louisiana. The succession of Joseph A. Joia has not been judicially opened or judicially accepted by his heirs or legatees. The succession of Joseph A. Joia is not under administration and no succession representative has been appointed.

-4-

This Court has jurisdiction over the property against which petitioner seeks to enforce its mortgage. Since the deceased mortgagor's succession has not been judicially opened, an Attorney at Law should be appointed by the Court to represent the interests of the deceased, Joseph A. Joia, and the Estate of Joseph A. Joia, pursuant to the provisions of Louisiana Code of Civil Procedure Article 2674.

-5-

Petitioner is the holder and owner of an interest bearing promissory note (hand note), made and subscribed by the deceased defendant, Joseph A. Joia, payable to the order of First National Bank of Jefferson Parish, for the principal sum of $65,663.05, dated July 15, 1988, which provides for interest at the rate of 11.25% per annum, payable in 11 equal monthly installment payments consisting of principal and amortized interest, in the amount of $636.64 each, commencing on August 15, 1988 and continuing on the same day of each successive month, and one final installment payment consisting of principal and accrued interest in the estimated amount of $65,802.68, due on July 15, 1989, all as more fully shown by the original promissory note (hand note) annexed hereto and marked for identification as PLAINTIFF'S EXHIBIT B.

-6-

Despite amicable demand, the defendants have defaulted and failed to pay the promissory note (hand note) at its maturity on July 15, 1989, and the entire balance of said promissory note is in default and due and owing, together with interest, attorney's fees and costs, as set forth hereinafter.

-7-

There is presently due and owing on the aforesaid promissory note (hand note), the principal sum of $63,267.61, together with interest thereon in the amount of $7,369.60 through March 4, 1991, and thereafter at the rate of 11.25% per annum until paid in full, an attorney's fee of 25% of the aggregate of principal and interest, and all costs of this suit. Petitioner further avers that it has made repeated amicable demand for payment of the balance in default and defendants have failed to pay any part thereof.

-8-

The promissory note, (hand note), previously designated as PLAINTIFF'S

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EXHIBIT B is secured by pledge of a collateral mortgage note made and subscribed by defendants, Joseph A. Joia, Victor J. Joia and Mary Gale Joia Elliott, payable to the order of Bearer, in the principal sum of $100,000.00, dated June 18, 1986, together with interest thereon at the rate of twelve per cent (12.00%) per annum from date until paid, due on demand, all as more fully shown by the original collateral mortgage note and collateral pledge agreement annexed hereto and respectively marked for identification as PLAINTIFF'S EXHIBIT C and PLAINTIFF'S EXHIBIT D.

-9-

The above described collateral mortgage note is paraphed "Ne Varietur" by Daniel A. Ranson, Notary Public, for identification with an act of Collateral Mortgage passed before him on June 18, 1986, which said mortgage is recorded in the mortgage records for the Parish of Jefferson, Louisiana, in MOB 1560, folio 0065, instrument no. 86-29332, in which act the said Joseph A. Joia, Victor A. Joia and Mary Gale Joia Elliott, granted a mortgage against the hereinafter described immovable property to secure the aforesaid collateral mortgage note, all as more fully shown by a certified true copy of said act of Collateral Mortgage annexed hereto and marked for identification as PLAINTIFF'S EXHIBIT E.

-10-

In the said act of Collateral Mortgage the appearers did specifically mortgage, affect and hypothecate unto and in favor of any future holder of the note secured by the mortgage, the following described immovable property, to-wit:

> One certain lot of ground, together with all the building and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson in that part thereof known as TERRYTOWN SUBDIVISION NO. 5, and in SQUARE NO. 93 thereof, which square is bounded by Huckleberry Lane, Guardian Avenue, Harvard Avenue and Terry Parkway, and according to a sketch of survey made by John E. Walker, C.E., dated February 17, 1972, revised May 12, 1972, a print of which is annexed to and made part of an act passed before M.L. Dresner, Notary Public, dated June 27, 1972, said Lot is designated as Lot No. 30, commences at a distance of four hundred thirty-six and twenty-seven hundreths feet (436.27') from the corner of Huckleberry Lane and Guardian Avenue and measures thence in the direction of Harvard Avenue, sixty feet (60') front on Huckleberry Lane, same in width in the rear, by a depth of one hundred ten feet (110') between equal and parallel lines.
>
> Improvements thereon bear the Municipal No. 765 Huckleberry Lane, Gretna, Louisiana.
>
> Being the same property acquired by Mrs. Mary Puglise, wife of/and Joseph A. Joia, from Greater New Orleans Homestead Association on June 27, 1972 by act before Meyer L. Dresner, Notary Public, recorded in COB 765, folio 220, and MOB 591, folio 496, of the records of the Parish of Jefferson. Being further acquired by Victor J. Joia and Mary Gale Joia Elliott by Judgment of Possession signed on August 31, 1972 in case no. 145-971 of the 24th Judicial District Court for the Parish of Jefferson, Louisiana, entitled "Succession of Mary Puglise, wife of Joseph A. Joia", registered in COB 770, folio 265, of the records of the Parish of Jefferson.

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-11-

In the said promissory notes (hand notes) and act of Collateral Mortgage, the mortgagor(s) made the following agreements, to-wit:

A) That the property described therein would remain specially mortgaged, affected and hypothecated in favor of any future holder or holders of the mortgage note until the full and final payment thereof, together with interest, attorney's fees, costs and other charges, or any debt or obligation for which said note may be pledged as collateral security.

B) Bound and obligated himself not to sell, alienate, exchange, lease, convey, transfer, mortgage or further encumber the property to the prejudice of said act of mortgage.

C) Confessed judgment upon said collateral mortgage note in favor of Mortgagee for the full amount of the note in principal, interest and attorney's fees and for all other costs and any sums that Mortgagee may advance during the life of the mortgage for the payment of premiums of insurance, payment of taxes and charges, making of repairs, or for the protection and preservation of the security of the mortgage, and consented that if same was not paid in accordance with its terms and conditions and the stipulations of said act, said property might be seized and sold under executory process, or any other process, for cash and with or without appraisement.

D) Agreed to pay an attorney's fee of twenty-five percent (25%) of the unpaid debt in the event the note is sued upon or referred to an attorney for collection.

E) Expressly waived any demand for payment and the three (3) days delay accorded by Article 2639 of the Louisiana Code of Civil Procedure.

F) Expressly waived the benefit of appraisement.

-12-

The aforesaid promissory note (hand note) stipulates that in the event that the note or any installment thereunder shall not be paid promptly and fully when due, or in the event of failure to comply with any of the terms or conditions as set forth in the promissory note or any of the mortgagor's obligations under the mortgage, the promissory note shall, at the option of the mortgagee or any future holder or holders of the promissory note, become immediately due and payable, and the mortgaged property might be seized and sold under executory process with or without appraisement, which provisions petitioner specifically pleads. Said note further stipulates an attorney's fee of twenty-five per cent (25%) of the unpaid debt in the event the note is sued upon or referred to an attorney for collection.

-13-

The property described with particularity in paragraph 10 hereof is not the family home or homestead of any of the defendants.

-14-

Appraisal was waived in the act of Collateral Mortgage and petitioner desires to have the property hereinabove described sold, <u>without</u> benefit of

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appraisal.

-15-

Petitioner specifically pleads each and every stipulation, condition, covenant and provision of the promissory note (hand note), collateral pledge agreement, collateral mortgage note, and act of Collateral Mortgage as fully and completely as though the whole and each of them were copied herein.

-16-

The defendants are not members of the Armed Forces of the United States or any of its allies.

WHEREFORE, petitioner prays:

I. That an order of Executory Process issue herein, dispensing with the demand for payment and the three days delay, and that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, Louisiana, to seize and, after notice of seizure, delays, advertisements and compliance with all requisites of law, to sell to the highest bidder, free and clear of all homestead exemptions and inferior privileges, the hereinabove described property, for cash, without benefit of appraisal.

II. That out of the proceeds of said sale, petitioner be paid by preference and priority over all other persons and creditors whomsoever, the full amount claimed herein as follows:

A) Principal Balance.....$ 63,267.61
B) Interest through March 4, 1991.....$ 7,369.60
C) Interest accruing from March 5, 1991, until paid.....To be computed
D) Attorney's fees of 25% of principal and interest.....To be computed
E) All costs of court and expenses.....To be computed

III. That an Attorney at Law be appointed by this Court to represent the interests of the deceased, Joseph A. Joia, and the Estate of Joseph A. Joia, in these proceedings on whom all demands, notices and other documents shall be served and against whom this seizure and sale shall be prosecuted contradictorily.

IV. For all such additional relief as law, equity and the nature of the case may permit.

Respectfully submitted:

MICHAEL D. HANNAN (Bar No. 06521)
HANNAN, DRAKE & GIUSTI
2607 Harvard Avenue
Metairie, Louisiana 70001
Telephone: (504) 454-5906
Attorneys for Plaintiff

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 43-517 DIVISION "A"

FIRST NATIONAL BANK OF JEFFERSON PARISH

VERSUS

ESTATE OF JOSEPH A. JOIA, VICTOR J. JOIA AND
MARY GALE JOIA, WIFE OF LEE H. ELLIOTT, JR.

FILED: _____ _____
DEPUTY CLERK

AFFIDAVIT OF VERIFICATION

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned notary public, personally came and appeared:

VINCENT A. VASTOLA

who, after being duly sworn, did depose that he is a Senior Vice President of First National Bank of Jefferson Parish, and as such, is duly authorized to execute this affidavit on behalf of First National Bank of Jefferson Parish and is personally acquainted with and familiar with the loan account of the defendants sued upon.

Affiant further deposed that he has read the above and foregoing petition and that all of the facts and allegations contained therein are true and correct to the best of his information, knowledge and belief; that the balance as stated in the petition is correct; and that the obligatione of the defendants to First National Bank of Jefferson Parish are past due and owing and have matured by virtue of the facts set forth in the petition.

Vincent A. Vastola
Senior Vice President
First National Bank of Jefferson Parish

Sworn to and subscribed before me, this

5th day of March, 1991.

Michael D. Hannan, Notary Public
Parish of Jefferson, Louisiana

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 413-517 DIVISION "A"

FIRST NATIONAL BANK OF JEFFERSON PARISH

VERSUS

ESTATE OF JOSEPH A. JOIA, VICTOR J. JOIA AND
MARY GALE JOIA, WIFE OF LEE H. ELLIOTT, JR.

FILED: _____ _____
DEPUTY CLERK

ORDER

Considering the foregoing verified petition, annexed documents and considering that the defendants have waived the demand for payment and three day delay provided by the Louisiana Code of Civil Procedure, and the premises considered:

IT IS ORDERED by the Court that Executory Process issue herein and that a writ of seizure and sale issue herein commanding the Sheriff for the Parish of Jefferson to seize and sell the property affected by the mortgage as prayed for, according to law without appraisal.

IT IS FURTHER ORDERED by the Court, pursuant to the provisions of Louisiana Civil Code Article 2674, that Robert S. Creely, Attorney at Law, be and he/she is hereby appointed as Attorney at Law to represent the interests of the deceased, Joseph A. Joia, and the Estate of Joseph A. Joia, in these proceedings on whom all demands, notices and other documents shall be served and against whom this seizure and sale shall be prosecuted contradictorily.

THIS ORDER signed at Gretna, Louisiana, on this 5th day of March, 1991.

CODED

JUDGE

ON MINUTES MAR 6 1991

Please Serve Notice of Seizure:

1) Victor J. Joia
4950 Oak Alley Boulevard
Marrero, Louisiana

2) Mary Gale Joia Elliott
1022 S. Turnbull Drive
Metairie, Louisiana

3) Estate of Joseph A. Joia,
through the Attorney at Law
appointed to represent the
interests of the deceased,
Joseph A. Joia, and his Estate

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

P. 38

DIV. A
JUDGE
DIV B. THOMAS PORTEOUS, JR.

Nº 413632

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

STANDARD MORTGAGE CORP
VS.
Plaintiff

PHYLISS SCHAEFER SHAW (PHYLISS SCHAEFER), wife of/and PHILIP A. SHAW AND

PAULA DENISE CALASI OHLMEYER (PAULA DENISE CALAIS) wife of/and

Defendant

RONALD HUGH OHLMEYER

JAMES C. ARCENEAUX, III
Attorney for Plaintiff

Attorney for Defendant

Date of Filing MARCH 6, 1991 jff

HP Exhibit 0189 (92)

3131

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 413-632 DIVISION "

STANDARD MORTGAGE CORPORATION

VERSUS

PHYLISS SCHAEFER SHAW (PHYLISS SCHAEFER), WIFE OF/AND PHILIP A. SHAW
AND
PAULA DENISE CALAIS OHLMEYER (PAULA DENISE CALAIS) WIFE OF/AND RONALD HUGH OHLMEYER

FILED: _____ _____
DEPUTY CLERK

FILED FOR RECORD MAR 6 12 46 PM '91 DY. CLERK OF COURT PARISH OF JEFFERSON, LA.

DIV. A JUDGE G. THOMAS PORTEOUS, JR.

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Standard Mortgage Corporation, a Louisiana corporation, which has its principal office at 300 Plaza, One Shell Square New Orleans, Louisiana, with respect represents:

I.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Paula Denise Calais and Ronald Hugh Ohlmeyer who were residents of and domiciled in the Parish of Jefferson, State of Louisiana, payable to the order of Standard Mortgage Corporation in the principal sum of $71,900.00 dated October 19, 1987 payable at Standard Mortgage Corporation, 300 Plaza, One Shell Square, New Orleans, Louisiana, or at such other place as the holder may designate in writing, in fixed monthly installments, including principal and interest of $604.57 commencing on the first day of December, 1987 and payable in full on or before the first day of November, 2017. The said note bears interest at the rate of 9.5% per annum on the unpaid balance from date until paid, and which said note is paraphed "Ne Varietur" for identification with an Act of Mortgage dated

file note + mortgage in vault MAR 14 1991

CODE
ISSUED not of appt
DATE MAR 14 1991
S/ MYRA LANDIX
Deputy Clerk

October 19, 1987 and passed before H. Gordon Hartman, Notary Public in and for the Parish of Orleans and two witnesses, and duly recorded in MOB 2072, folio 288, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

II.

The said mortgagors did, in the said act, waive all homestead exemptions to which they may be entitled under the Constitution and laws of the State of Louisiana.

III.

In the above mentioned Act, the mortgagors agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Standard Mortgage Corporation, lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest, attorney's fees, taxes and costs, and the mortgagors bound and obligated themselves not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

IV.

In the above mentioned act, the said mortgagors confessed judgement on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

V.

In the said act hereinabove referred to, the said mortgagors did specially mortgage, affect and hypothecate unto and in

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favor of the mortgagee, Standard Mortgage Corporation and any and all other future holders of the note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

> A CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part thereof which has been resubdivided into SHADOW LAKE EXTENSION SUBDIVISION, all as per plan of resubdivision made by J.J. Krebs & Sons, Inc., L.S., dated September 9, 1986, approved by the Jefferson Parish Council by Ordinance No. 17056 on October 22, 1986, recorded in COB 1595, folio 171, and said property is more fully described as follows, to-wit:
>
> LOT 6, SQUARE F, which said square is bounded by Mallard Drive, Alison Drive, the western boundary of the Subdivision and Cricket Court, and said LOT 6 commences at a distance of 260 feet from the intersection of Cricket Court and Mallard Drive, and measures thence 65 feet front on Mallard Drive, same in width across the rear, by a depth of 100 feet between equal and parallel lines; all as per survey made by J.J. Krebs & Sons, Inc., L.S., dated July 30, 1987, resurveyed August 24, 1987, to show improvements.
>
> Improvements thereon bear Municipal No. 3210 Mallard Drive, Gretna, La.
>
> Being the same property acquired by Paula Denise Calais and Ronald Hugh Ohlmeyer on October 19, 1987 registered in COB 1831, folio 49/52 and further acquired by Phyliss Schaefer, wife of/and Philip A. Shaw on March 31, 1989 registered in COB 2164, folio 152.

VI.

By Act of Cash Sale and Assumption of Mortgage executed March 31, 1989, before James G. Sax, Notary Public, the above described property was transferred by Paula Denise Calais, wife of/and Ronald Hugh Ohlmeyer to Phyliss Schaefer, wife of/and Philip A. Shaw, which said act is duly recorded in MOB 2496, folio 22, Parish of Jefferson, Louisiana; the said assumptors did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the note and mortgage at the outset, all of which will more fully appear from a

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certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "C".

VII.

The petitioner herein, Standard Mortgage Corporation, has been advised that Paula Denise Calais, wife of/and Ronald Hugh Ohlmeyer, the original mortgagors herein, are believed to have a current mailing address of 5650 Timber Creek Place Drive, #1906, Houston, Texas 77084 and it will therefore be necessary for this Honorable Court to appoint an attorney to represent the absent defendants.

VIII.

The assumptors having failed to make the payments required under the terms of the mortgage, are in default under the terms of said mortgage and Standard Mortgage Corporation, the last holder of the note, having given due notice to assumptors herein, has exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from October 1, 1990 to date.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent defendants Paula Denise Calais wife of/and Ronald Hugh Ohlmeyer and, further, petitioner prays for an order of Executory Process herein; and, further, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell without appraisement and after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of $70,526.57 with 9.5% interest

thereon from September 1, 1990 until paid, together with 10.0% attorney's fees on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEAUX

BY James C. Arceneaux III

JAMES C. ARCENEAUX, III
Bar Roll No. 2524
210 Baronne Street, Suite 1210
New Orleans, LA 70112
(504) 422-8256

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

JAMES C. ARCENEAUX, III

who, being by me first duly sworn, did depose and say:

That he is the attorney for Standard Mortgage Corporation and that, as such, he is familiar with the account of Phyliss Schaefer, wife of/and Philip A. Shaw (present mortgagors) and Paula Denise Calais, wife of/and Ronald Hugh Ohlmeyer (original mortgagors), Account No. 046598 (433), which said account has a principal balance of $70,526.57 plus interest at a rate of 9.5% from September 1, 1990 until paid, which said account is currently due for the months of October 1, 1990 until date.

Appearer has further been advised by Plaintiff that their records reflect that the original mortgagors herein were not in the armed services of the United States at the time the loan was originated and moreover, lender has not been subsequently advised that the original mortgagors are in the armed services of the United States.

Appearer further avers that there is **nothing** in the records of the lender/plaintiff herein to indicate that the current owners are in the armed services of the United States and accordingly, to the best of appearer's information, knowledge and belief the Soldiers' and Sailors' Civil Relief Act of 1940 (50 USCA 501, et seq) does not apply to any defendant named herein.

James C. Arceneaux

JAMES C. ARCENEAUX, III

SWORN TO AND SUBSCRIBED BEFORE ME,

This 4th day of March, 1991.

Patricia R. Francis

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON, LA.

1991 0 0 0 1

ORDER

Considering the allegations of the foregoing petition and Exhibits annexed thereto, let Executory Process issue herein; It is ordered that a writ of seizure and sale issue herein forthwith, as prayed for, according to law, without appraisement.

Let Robert G. Creely, Esq. be appointed Curator-ad-Hoc to represent the absent defendants, Paula Denise Calais, wife of/and Ronald Hugh Ohlmeyer.

CODED

Gretna, Louisiana

March 11, 1991

ON MINUTES

MAR 13 1991

JUDGE

PLEASE SERVE:

(1) NOTICE OF APPOINTMENT
(2) NOTICE OF SEIZURE AND SALE (NOTICE OF DEMAND WAIVED)
(3) COPY OF PETITION ON:

_____, Esq.
Paula Denise Calais, wife of/and
Ronald Hugh Ohlmeyer
5650 Timber Creek Place Drive, #1906
Houston, TX 77084

(1) NOTICE OF SEIZURE AND SALE (NOTICE OF DEMAND WAIVED)
(2) COPY OF PETITION ON:

Phyliss Schaefer, wife of/and
Philip A. Shaw
3210 Mallard Drive
Gretna, LA 70056

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 414445

DIV DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

STANDARD MORTGAGE CORP
VS.
Plaintiff

ELISKA GERHOLD BARRIOS (ELISKA GERHOLD), DIVORCED WIFE BY FIRST MARRIAGE OF RENE JOY DEWALD, NOW WIFE OF/AND JOHN D. BARRIOS, SR AND RICHARD FRANCIS MCCARTHY
Defendant

JAMES C. ARCENEAUX
Attorney for Plaintiff

Attorney for Defendant

Date of Filing MARCH 21, 1991 jff

HP Exhibit 0189 (93)

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#295.

CODED-8

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 414-445 DIVISION

STANDARD MORTGAGE CORPORATION

CODED-8

VERSUS

ELISKA GERHOLD BARRIOS (ELISKA GERHOLD), DIVORCED WIFE BY FIRST MARRIAGE OF RENE JOY DEWALD, NOW WIFE OF/AND JOHN D. BARRIOS, SR.

AND

RICHARD FRANCIS MCCARTHY

FILED:_____ _____
DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Standard Mortgage Corporation, a Louisiana corporation having its principal place of business at 300 Plaza, One Shell Square, New Orleans, Louisiana 70139, with respect, represents:

I.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Richard Francis McCarthy who was a resident of and domiciled in the Parish of Jefferson, State of Louisiana, payable to the order of Myself and by the maker endorsed in blank in the principal sum of $57,500.00 dated May 29, 1985 payable at Standard Mortgage Corporation, New Orleans, Louisiana, or at such other place as the holder may designate in writing, in fixed monthly installments, including principal and interest of $591.45 commencing on the first day of July, 1985 and payable in full on or before the first day of June, 2015. The said note bears interest at the rate of 12.00% percent per annum on the unpaid balance from date until paid, and which said note is paraphed "Ne Varietur" for identification with an Act of Credit

file note + mortgage in vault

CODED

ISSUED Not of appt
DATE APR 03 1991
S/ MYRA LANDIX
Deputy Clerk

MAR 27 1991

CODED

Sale dated May 29, 1985 and passed before H. Gordon Hartman, Notary Public in and for the Parish of Orleans and two witnesses, and duly recorded in MOB 1178, folio 272, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

II.

The said mortgagor did, in the said act, waive all homestead exemptions to which he may be entitled under the Constitution and laws of the State of Louisiana.

III.

In the above mentioned Act, the mortgagor agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Standard Mortgage Corporation lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagor bound and obligated himself not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

IV.

In the above mentioned act, the said mortgagor confessed judgment on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

V.

In the said act hereinabove referred to, the said mortgagor did specially mortgage, affect and hypothecate unto and in favor of the mortgagee, Standard Mortgage Corporation and any

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and all other future holders of the note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, designated as WOODMERE SOUTH SUBDIVISION SECTION 3, all as per plan of resubdivision made by J.J. Krebs & Sons, Inc., C.E. & S., dated October 10, 1983, approved by the Jefferson Parish Council by Ordinance No. 15784, recorded in COB 1064, folio 925, same being designated as follows:

LOT 554, SQUARE M, which said square is bounded by Sue Ker Drive, Keith-Way Drive, the Northern boundary of the Subdivision and Destrehan Avenue, and said LOT 554 commences at a distance of 305 feet from the intersection of Destrehan Avenue and Sue Ker Drive, and measures thence 60 feet front on Sue Ker Drive, same in width across the rear, by a depth of 100 feet between equal and parallel lines; all as per survey made by J. J. Krebs & Sons, Inc., C.E. & S., dated September 14, 1984, resurveyed October 10, 1984, and restaked March 5, 1985 to show improvements.

Improvements thereon bear Municipal No. 3720 Sue Ker Drive, Harvey, La. 70058.

Being the same property acquired by Richard Francis McCarthy on May 29, 1985, registered in COB 1251, folio 133. Same property being further acquired by Eliska Gerhold Barrios, wife of/and John D. Barrios, Sr., registered in COB 2094, folio 194.

VI.

By Act of Cash Sale and Assumption of Mortgage executed December 1, 1988, before Ellen Mullins, Notary Public, the above described property was transferred by Richard Francis McCarthy to Eliska Gerhold Barrios, wife of/and John D. Barrios, Sr., which said act is duly recorded in MOB 2406, folio 077, Parish of Jefferson, Louisiana; the said assumptors did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of

Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "C".

VII.

The petitioner herein, Standard Mortgage Corporation, has been advised that Richard Francis McCarthy, one of the defendants herein, is thought to have a mailing address of W8403 Hwy CC, Tomahawk, Wisconsin 54487 and it will therefore be necessary for this Honorable Court to appoint an attorney to represent the absent defendant.

VIII.

The assumptors having failed to make the payments required under the terms of the assumed mortgage, are in default under the terms of said mortgage and Standard Mortgage Corporation as the last holder of the note, after having given due notice to mortgagors herein, has exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from October 1, 1990 to date.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent Richard Francis McCarthy and, further, petitioner prays for an order of Executory Process herein, and further, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell without appraisement and, after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of $56,065.99 with 12.00% percent interest thereon from September 1, 1990 until paid, together with 10.00% percent attorney's fees on the total amount of principal, interest and all current

and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEAUX

BY: _____

James C. Arceneaux, III
Bar Roll No. 2524
Attorney for Petitioner
210 Baronne Street, Suite 1210
New Orleans, LA 70112
(504) 522-8256

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

JAMES C. ARCENEAUX, III

who, being by me first duly sworn, did depose and say:

That he is the attorney for Standard Mortgage Corporation and that, as such, he is familiar with the account of Richard Francis McCarthy, original mortgagor and Eliska Gerhold Barrios, wife of/and John D. Barrios, Sr., assumptors, Account No. 042009 659), which said account has a principal balance of $56,065.99 plus interest at a rate of 12.00% from September 1, 1990 until paid, which said account is currently due for the months of October 1, 1990 until date.

The sale and assumption by Richard Francis McCarthy to Eliska Gerhold, wife of/and John D. Barrios, Sr. dated December 1, 1988 and recorded in MOB 2406, folio 77 and COB 2094, folio 194 indicates that the original mortgagor, Richard Francis McCarthy was in the armed service of the United State on the dated of the sale and assumption. However, inasmuch as the instant proceedings are in rem only and further, because Richard Francis McCarthy is not an owner of the subject property the Soldier's & Sailor's Relief Act of 1940 is not applicable insofar as Richard Francis McCarthy is concerned.

Appearer further avers that there is nothing in the records of the lender/plaintiff herein to indicate that the current owners are in the armed services of the United States and accordingly, to the best of appearer's information, knowledge and belief the Soldiers' and Sailors' Civil Relief Act of 1940 (50 USCA 501, et seq) does not apply to any defendant named herein.

James C. Arceneaux III

JAMES C. ARCENEAUX, III

SWORN TO AND SUBSCRIBED BEFORE ME,

This 25th day of February, 1991

Helen A. Stahel

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON, LA.

ORDER

Considering the allegations of the foregoing petition and Exhibits annexed thereto, let Executory Process issue herein; It is ordered that a writ of seizure and sale issue herein forthwith, as prayed for, according to law, without appraisement.

Let Robert G. Creely, Esq. be appointed Curator-ad-Hoc to represent the absent defendant, Richard Francis McCarthy.

Gretna, Louisiana

March 25, 1991

ON MINUTES MAR 27 1991 CODE

JUDGE

PLEASE SERVE:
(1) NOTICE OF SEIZURE AND SALE (NOTICE OF DEMAND WAIVED)
(2) COPY OF PETITION ON:

Eliska Gerhold Barrios, wife of/and
John D. Barrios, Sr.
3720 Sue Ker Dr.
Harvey, La. 70058

PLEASE SERVE:
(1) NOTICE OF APPOINTMENT
(2) NOTICE OF SEIZURE AND SALE (NOTICE OF DEMAND WAIVED)
(3) COPY OF PETITION ON:

_____,Esq.
Curator-ad-Hoc to represent the
absent defendant
Richard Francis McCarthy
W8403 Hwy. CC
Tomahawk, Wisconsin 54487

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

№ 415138

DIV

DIV. A
JUDGE
R. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

JEFFERSON SAVINGS & LOAN ASSOCIATION

VS.

Plaintiff

JOEY WALTHER, WIFE OF/AND CARL WOODWARD CLEVELEAND AND VERA WRIGHT, WIFE OF/AND,ET AL

Defendant

WARREN E. MOULEDOUX
Attorney for Plaintiff

Attorney for Defendant

Date of Filing APRIL 5,1991 JL

HP Exhibit 0189 (94)

3147

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 415-138 DIVISION "A"

JEFFERSON SAVINGS & LOAN ASSOCIATION

VERSUS

JOEY WALTHER, wife of/and
CARL WOODWARD CLEVELAND and
VERA WRIGHT, wife of/and
DAVID DUBOURG THIBAUT

FILED FOR RECORD
PARISH OF JEFFERSON, LA.
DEPUTY CLERK
AUG 26 PM 3:11

FILED: _____ DEPUTY CLERK

SUPPLEMENTAL AND AMENDING
PETITION FOR EXECUTORY PROCESS

NOW INTO COURT, through undersigned counsel, comes JEFFERSON SAVINGS & LOAN ASSOCIATION, plaintiff in the above entitled and numbered cause, who desires to supplement and amend its original Petition For Executory Process, filed herein on the 5th day of April, 1991, in the following respects:

I.

By adding Paragraph 13 to the original Petition to read as follows:

13.

As shown on the due and diligence return filed of record herein, the mortgagors, Vera Wright, wife of/and David Dubourg Thibaut, though they be domiciled or actually present in the state, cannot be found and served after a diligent effort. Therefore, they are absentees under Louisiana Code of Civil Procedure, Article 5251, and it will be necessary to appoint an attorney at law to represent them pursuant to the provisions of Louisiana Code of Civil Procedure, Article 5091.

II.

By amending the prayer of the original Petition to include the following:

Petitioner further prays that an attorney at law be appointed to represent the absentees, Vera Wright, wife of/and David Dubourg Thibaut.

WHEREFORE, petitioner, reiterating the prayer of its

ISSUED not of appt
DATE AUG 08 1991
S/ MYRA LANDIX

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original petition as though set forth at length herein, prays that its original petition be supplemented and amended in the above particulars and that, after due proceedings had, there be judgment herein in favor of the petitioner, Jefferson Savings & Loan Association and against the defendants, Joey Walther, wife of/and Carl Woodward Cleveland and Vera Wright, wife of/and David Dubourg Thibaut, as originally prayed for herein.

HALL, LENTINI, MOULEDOUX
& WIMBERLY

WARREN E. MOULEDOUX, JR., NO. 9782
Attorney for Petitioner
2551 Metairie Road
Metairie, Louisiana 70001
Telephone: (504) 838-8777

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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P1

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 415-138 DIVISION "A"

JEFFERSON SAVINGS & LOAN ASSOCIATION

VERSUS

JOEY WALTHER, wife of/and
CARL WOODWARD CLEVELAND and
VERA WRIGHT, wife of/and
DAVID DUBOURG THIBAUT

FILED FOR RECORD
1991 JUL 26 PM 3 11
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

FILED: _____ _____
DEPUTY CLERK

CODED - 11

VERIFICATION

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared: RAYMOND S. MONTALBANO, of lawful age, who, after being by me first duly sworn, did depose and say:

That he is the Vice President of Jefferson Savings & Loan Association, the petitioner in the above and foregoing petition; that he has read the same and re-avers all facts contained therein as if said facts were reproduced in full. Furthermore, to the best of his knowledge and belief, the allegations therein contained are true and correct.

Raymond S. Montalbano
RAYMOND S. MONTALBANO,
Vice-President
Jefferson Savings & Loan Association

Sworn to and subscribed before me, Notary, this 23 day of July, 1991.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 415-138 DIVISION "A"

JEFFERSON SAVINGS & LOAN ASSOCIATION

VERSUS

JOEY WALTHER, wife of/and
CARL WOODWARD CLEVELAND and
VERA WRIGHT, wife of/and
DAVID DUBOURG THIBAUT

FILED: _____ _____
DEPUTY CLERK

ORDER

Considering the above and foregoing;

LET the foregoing Supplemental and Amending Petition for Executory Process be filed as prayed for; and

LET Robert G. Creely, Attorney at Law, be appointed to represent the absentees, Vera Wright, wife of/and David Dubourg Thibaut, in accordance with Louisiana Code of Civil Procedure, Article 5091.

Gretna, Louisiana, this 2nd day of August, 1991.

CODED

J U D G E

ON MINUTES
AUG 5 1991

PLEASE SERVE NOTICE OF SEIZURE
Personally on Attorney at Law
Appointed to Represent that Absentees:
VERA WRIGHT THIBAUT
and DAVID DUBOURG THIBAUT

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 415650

DIV ~~DIV. A~~

JUDGE
G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

THE FIDLEITY HOMESTEAD ASSOCIATION

Plaintiff

VS.

MAURICIO A. LETONA

Defendant

JERRY D. WILLIAMSON

Attorney for Plaintiff

Attorney for Defendant

Date of Filing APRIL 16,1991 JL

HP Exhibit 0189 (95)

3152

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CODED

24TH JUDICIAL DISTRICT COURT IN AND FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 415-650 DIVISION " " DOCKET NO.

THE FIDELITY HOMESTEAD ASSOCIATION

VERSUS

MAURICIO A. LETONA

DIV. 4 JUDGE E. THOMAS PORTEOUS, JR.

FILED FOR RECORD APR 15 3 41 PM CLERK OF COURT PARISH OF JEFFERSON LA

CODED

FILED: _____ _____ Deputy Clerk

PETITION FOR EXECUTORY PROCESS

The petition of THE FIDELITY HOMESTEAD ASSOCIATION, a Corporation organized under and by virtue of the laws of the State of Louisiana, and domiciled in the City of New Orleans, Parish of Orleans, State of Louisiana, appearing herein through its Chairman of the Board, ALLAIN C. ANDRY, III, with respect represents:

I.

That your Petitioner is the owner and holder for valuable consideration and before maturity of a certain Promissory Note, dated OCTOBER 30, 1980 made and subscribed by MAURICIO A. LETONA to the order of THE FIDELITY HOMESTEAD ASSOCIATION, in the sum of THIRTY FOUR THOUSAND, FIVE HUNDRED AND NO/100--($34,500.00)--DOLLARS payable in installments as provided in the Act of Sale and Vendor's Lien and Privilege and Mortgage with which the said Promissory Note is identified, and bearing interest at the rate of TWELVE AND ONE FOURTH (12 1/4%) per cent per annum from date until paid; the said Promissory Note being paraphed "Ne Varietur" to identify it with an Act of Sale and Vendor's Lien and Privilege and Mortgage passed before ROBERT N. ANDRY, Notary Public, dated OCTOBER 30, 1980, wherein your Petitioner sold to the said MAURICIO A. LETONA for the price and sum of THIRTY FOUR THOUSAND, FIVE HUNDRED AND NO/100--($34,500.00)--DOLLARS in representation of which price and sum, the said Promissory Note was given, the property described more fully on Page "A", annexed hereto.

CODED APR file note + mortgage in vault

II.

Petitioner attaches hereto and made part hereof, a certified copy of the said Act of Sale and Vendor's Lien and Privilege and

CODED

ISSUED not ordered

DATE APR 22 1991 w/ not of appt.

S/ MYRA LANDIX

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Mortgage, and the original of the said Promissory Note, the same as if copies in extenso herein.

III.

That, by the said Act, Petitioner retained a Vendor's Lien and Privilege on the property sold therein, and which is fully described herein and the said MAURICIO A. LETONA, granted a special mortgage under the pact "de non alienando" upon the said property, to secure the payment of the said Promissory Note, with interest, Attorney's fees, insurance premiums and other charges, as will be hereinafter set forth.

IV.

That by the said Act of Vendor's Lien and Privilege and Mortgage, the said MAURICIO A. LETONA, confessed judgment upon the said Promissory Note and consented that if the said Promissory Note was not paid in accordance with the terms and stipulations of the said Act, the property mortgaged therein might be seized and sold by executory process, for Cash, to the highest bidder and without appraisement.

V.

That by the said Act of Vendor's Lien and Privilege and Mortgage the said MAURICIO A. LETONA, obligated himself in case it became necessary to institute legal proceedings for the recovery of the amount of the said Promissory Note, or any portion thereof, to pay the fees of the Attorney who may be employed for that purpose, which fees are hereby fixed by terms and stipulations of the said Act of Vendor's Lien and Privilege and Mortgage at FIVE (5%) per cent upon the total amount sued for.

VI.

That by the said Act of Vendor's Lien and Privilege and Mortgage, the said MAURICIO A. LETONA, obligated himself to pay to the said Association at its office in the City of New Orleans, State of Louisiana, on the FIFTH (5th) day of each month, in advance, the sum of THREE HUNDRED SIXTY ONE AND 52/100--($361.52)--DOLLARS on the said Promissory Note, the said monthly payments to be credited firstly to interest, and the balance of the said payments to be credited on account of the THREE HUNDRED FORTY FIVE

0 4 2 5 9 1 0 1 2 7

- (345) - shares of stock subscribed by the said MAURICIO A. LETONA and pledged in the said Act of Vendor's Lien and Privilege and Mortgage as additional security for the obligation referred to above; and it was stipulated that should the said MAURICIO A. LETONA fail to make the monthly payments for a period of three (3) months, that said failure would, without putting in default, make the said Promissory Note immediately due and payable in its entirety.

VII.

That the said MAURICIO A. LETONA is more than three (3) months in arrears in his payments to your Petitioner herein, and that in accordance with the terms of the said Act of Vendor's Lien and Privilege and Mortgage, the said Promissory Note is payable, due and exigible as to principal, interest, and Attorney's fees, and is unpaid, notwithstanding, amicable demand.

VIII.

Petitioner avers that the interest on this Promissory Note is delinquent from DECEMBER 1, 1990 and that the payments on the subscription of stock are delinquent since DECEMBER 1, 1990, that therefore the principal and interest payments are each more than three (3) months in arrears and the unpaid balance on this account due THE FIDELITY HOMESTEAD ASSOCIATION as of APRIL 3, 1991 is in the sum of THIRTY THREE THOUSAND, SEVEN HUNDRED TWO AND 82/100--($33,702.82)--DOLLARS.

IX.

That petitioner avers that it has no knowledge of the specific whereabouts of the defendant in this matter, MAURICIO A. LETONA, and on information and belief petitioner avers the defendant in this suit is in South America and is therefore an absentee as defined by LSA-CCP, Art. 5251.

X.

That, therefore, it is necessary that this Court appoint an attorney at law to represent, MAURICIO A. LETONA, absentee Defendant, to represent him and upon whom all necessary Service, Notice of Demand, Notice of Seizure and other documents may be served.

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(1) WHEREFORE, the premises and annexed documents and Affidavit considered, Petitioner prays that an Order of Executory Process issue herein and after due and legal demand for payment, that a Writ of Seizure and Sale issue herein, directing the Sheriff in and for the Parish of Jefferson, State of Louisiana, to seize and after due advertisements, delays, requisites and formalities, save those expressly waived in the Act of Sale and Vendor's Lien and Privilege and Mortgage, to sell the property hereinabove described for Cash, ten (10%) per cent at the time of adjudication and the balance within thirty (30) days thereafter, according to law, and without appraisement, and to pay and satisfy the claim of Petitioner, THE FIDELITY HOMESTEAD ASSOCIATION, in the sum of THIRTY THREE THOUSAND, SEVEN HUNDRED TWO AND 82/100--($33,702.82)--DOLLARS, together with interest at the rate of TWELVE AND ONE FOURTH (12 1/4%) per cent per annum on the unpaid principal balance thereof, from APRIL 4, 1991 until paid, plus an additional amount of FIVE (5%) per cent upon such principal and accrued interest and authorized Attorney's fees, and for all other amounts coming due under the terms of THE FIDELITY HOMESTEAD ASSOCIATION Mortgage, and for all costs of these proceedings, and that out of the proceeds of the said sale, Petitioner, THE FIDELITY HOMESTEAD ASSOCIATION, be paid the amount of its claim, with preference and priority over all persons whomsoever.

(2) WHEREFORE, Plaintiff further prays that an Attorney at Law be appointed to represent the absent Defendant and that he be served with a Notice of Demand, Notice of Seizure and all other necessary process in this matter.

The singular herein shall include the plural, and the masculine shall include the feminine.

ANDRY, ANDRY & WILLIAMSON

BY Jerry D. Williamson

Attorneys for Petitioner
JERRY D. WILLIAMSON
711 First NBC Building
210 Baronne Street
New Orleans, La. 70112
581-6427
Louisiana State Bar No. 13533

0 4 2 5 9 1 0 1 2 7 3

PAGE "A"

A CERTAIN PIECE OR PORTION OF GROUND, together with all of the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the City of Kenner, Parish of Jefferson, State of Louisiana, in that part thereof known as Greater Holly Heights Subdivision, Section 3, all in accordance with the plan of subdivision by J. J. Krebs & Sons, Inc., C.E. and Surveyors, dated June 29, 1971, which plan was approved by the City of Kenner by Ordinance Number 1331, dated August 23, 1971, and recorded in Jefferson Parish Plan Book 74, folio 20 and in COB 743, folio 65, and also according to a survey by Gilbert, Kelly and Couturie, Errol E. Kelly, Surveyor, dated September 14, 1978, a copy of which is annexed to an Act passed before Robert N. Andry, Notary Public, dated September 18, 1978, for reference; said property is more fully described as follows, to-wit:

Lot 45 of Square H and said Square H is bounded by Continental Drive, Ronson Drive, Cascade Boulevard, Canal Number 12, West side of the subdivision and the North boundary of Section 3 of the subdivision and said Lot 45 commences 1,040 feet from the intersection of Continental Drive and the said North boundary of Section 3 of the subdivision and measures thence 50 feet front on Continental Drive, the same width in the rear, by a depth of 100 feet between equal and parallel lines.

The improvements thereon bear the Municipal Number 3255 Continental Drive.

Being the same property acquired by Mauricio A. Letona from The Fidelity Homestead Association by an Act passed before Robert N. Andry, Notary Public, dated October 30, 1980 and registered in Conveyance Office Book 992, folio 9, for the Parish of Jefferson, State of Louisiana.

RESTRICTIONS: The property is subject to the restrictive covenants and conditions as contained in an Act passed before Rader Jackson, Notary Public, dated October 18, 1971, registered in COB 747, folio 102; and as amended before Rader Jackson, Notary Public, dated December 17, 1971, registered in COB 751, folio 111, for the Parish of Jefferson, State of Louisiana; and this reference to those restrictive covenants and conditions is not to be considered as renewing or recreating the same in any manner whatsoever.

RIGHT OF WAY: The property is subject to a right of way measuring five (5') feet in the rear of the property in favor of Louisiana Power and Light Company, registered in COB 748, folio 803.

0 4 2 5 9 1 0 1 2 7 3

STATE OF LOUISIANA

PARISH OF ORLEANS

AFFIDAVIT

BEFORE ME, the undersigned authority, personally came and appeared:

ALLAIN C. ANDRY, III

who upon being duly sworn, did depose and say:

That he is the Chairman of the Board of THE FIDELITY HOMESTEAD ASSOCIATION, the Petitioner in the above and foregoing Petition; that he has read the same and that all of the statements made therein are true and correct, save those made on information and belief, which latter allegations deponent verily believes to be true and correct.

ALLAIN C. ANDRY, III

Sworn to and subscribed before me,

this 15th day of APRIL, 1991.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT IN AND FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. DIVISION " " DOCKET NO.

THE FIDELITY HOMESTEAD ASSOCIATION

VERSUS

MAURICIO A. LETONA

FILED: _____ _____
Deputy Clerk

ORDER

Considering the foregoing petition and the law and evidence being in favor thereof;

(1) Let a Writ of Executory Process issue herein as prayed for and according to law.

(2) IT IS ORDERED that Robert D. O'Keefe, be and he is appointed as Attorney at Law to represent the Absentee Defendant, MAURICIO A. LETONA, in these proceedings and that he be served with the Notice of Demand, Notice of Seizure and all other necessary process and citations in this matter.

GRETNA, Louisiana, this 18th day of the month of APRIL, 1991.

ON MINUTES
APR 19 1991

JUDGE

Please serve Notice of Demand: and notice of appointment on:

_____
As the duly appointed Attorney at Law to represent the Absentee Defendant, MAURICIO A. LETONA

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 416007

DIV

DIVISION A
JUDGE
G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

STANDARD MORTGAGE CORPORATION

Plaintiff

VS.

LINDA HOLLENBERG LAMPO (LINDA HOLLENBERG), WIFE OF/AND EDWARD LAMPO, SR.

Defendant

JAMES C. ARCENEAUX, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing APRIL 24,1991 JL

HP Exhibit 0189 (96)

3160

CODED

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 416-007 DIVISION

STANDARD MORTGAGE CORPORATION

VERSUS

LINDA HOLLENBERG LAMPO (LINDA HOLLENBERG), WIFE OF AND
EDWARD LAMPO, SR.

AND

GRACE DI BENEDETTO CAMERON ROBERTS (GRACE DI BENEDETTO)
DIVORCED WIFE OF JACKIE LEWIS CAMERON, NOW WIFE OF
TERRY L. ROBERTS

FILED FOR RECORD
APR 24 10 07 AM '91
DY CLERK OF COURT
PARISH OF JEFFERSON

CODED

FILED:_____ _____
DEPUTY CLERK

CODED MAY 0 2 1991
filinate + mortgage in Vault

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Standard Mortgage Corporation, a Louisiana corporation having its principal place of business at 300 Plaza, One Shell Square, New Orleans, Louisiana 70139, with respect, represents:

I.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Grace DiBenedetto Cameron who is a resident of and domiciled in the Parish of Jefferson, State of Louisiana, payable to the order of Myself and by the maker endorsed in blank in the principal sum of $18,000.00 dated February 8, 1971 payable at Standard Mortgage Corporation, New Orleans, Louisiana, or at such other place as the holder may designate in writing, in fixed monthly installments, including principal and interest of $138.42 commencing on the first day of July, 1971 and payable in full on or before the first day of June, 2001. The said note bears interest at the rate of 8.50% percent per annum on the unpaid balance from date until paid, and which said note is

ISSUED not of appt
DATE MAY 0 2 1991
S/ MYRA LANDIX
Deputy Clerk

CODED

paraphed "Ne Varietur" for identification with an Act of Credit Sale dated February 8, 1971 and passed before Louis B. Graham, Notary Public in and for the Parish of Orleans and two witnesses, and duly recorded in MOB 559, folio 67, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

II.

The said mortgagor did, in the said act, waive all homestead exemptions to which she may be entitled under the Constitution and laws of the State of Louisiana.

III.

In the above mentioned Act, the mortgagor agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Standard Mortgage Corporation lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagor bound and obligated herself not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

IV.

In the above mentioned act, the said mortgagor confessed judgment on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

V.

In the said act hereinabove referred to, the said mortgagor did specially mortgage, affect and hypothecate unto and in favor of the mortgagee, Standard Mortgage Corporation and any

and all other future holders of the note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the City of Kenner, Parish of Jefferson, State of Louisiana, in that part thereof known as University City Subdivision, all in accordance with plan of subdivision of Surveys, Inc., dated November 4, 1960, as revised December 14, 1960, and as revised December 21, 1960, and as further revised January 30, 1961, and as still further revised February 20, 1961, and as still further revised October 18, 1961, and further resubdivided by Ordinance #881 of the City of Kenner, dated December 20, 1965, and also by Ordinance #1197 of the City of Kenner dated March 24, 1970, and most recently resubdivided as per plan of J. L. Fontcuberta, dated May 11, 1970, and approved by Ordinance #1224 of the City of Kenner, duly registered in C.O.B. 716, folio 675, and in Plan Book 69, folio 3, and in accordance therewith, the said lot is designated as Lot N of Square 16, which said square is bounded by Tulane Drive, 40th Street, a 20 foot servitude and the line of said subdivision (63 foot servitude to 4th Jefferson Drainage District) and which lot measures as follows:

Lot N of Square 16 measures 50 feet front on Tulane Drive, the same width in the rear, by a depth of 110 feet between equal and parallel lines, said Lot N lying nearer to and commencing at a distance of 305 feet from the intersection of 40th street and Tulane Drive.

All as more fully shown on survey of Frank Foster & Associates Inc., dated November 27, 1970.

Improvements thereon bear Municipal No. 4025 W. Tulane Drive, Kenner, La. 70062.

VI.

By Act of Cash Sale and Assumption of Mortgage executed May 7, 1973, before Harold J. Zeringer, Jr., Notary Public, the above described property was transferred by Grace DiBenedetto Cameron Roberts, wife of/and Terry L. Roberts to Louise Cedotal Neuhauser, wife of/and David A. Neuhauser, Jr., which said act is duly recorded in MOB 611, folio 716, Parish of Jefferson, Louisiana; the said assumptors did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the

makers of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "C".

VII.

By Act of Cash Sale and Assumption of Mortgage executed May 31, 1973, before Harold J. Zeringer, Jr., Notary Public, the above described property was transferred by Louise Cedotal Neuhauser, wife of/and David A. Neuhauser, Jr. to Beverly Churchill Mattes, wife of/and Samuel A. Mattes which said act is duly recorded in MOB 613, folio 444, Parish of Jefferson, Louisiana; the said assumptors did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "D".

VIII.

By Act of Cash Sale and Assumption of Mortgage executed October 5, 1973, before Richard T. Regan, Notary Public, the above described property was transferred by Beverly Churchill Mattes, wife of/and Samuel A. Mattes to Linda Hollenberg Lampo, wife of/and Edward Lampo, Sr., which said act is duly recorded in MOB 622, folio 419, Parish of Jefferson, Louisiana; the said assumptors did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the

note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "E".

IX.

The petitioner herein, Standard Mortgage Corporation, has been advised that the whereabouts of Grace DiBenedetto Cameron Roberts, one of the defendants herein, are unknown and it will therefore be necessary for this Honorable Court to appoint an attorney to represent the absent defendant.

X.

The assumptors having failed to make the payments required under the terms of the assumed mortgage, are in default under the terms of said mortgage and Standard Mortgage Corporation as the last holder of the note, after having given due notice to mortgagors herein, has exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from December 1, 1990 to date.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent Grace DiBenedetto Cameron Roberts and, further, petitioner prays for an order of Executory Process herein, and further, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell without appraisement and, after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of $11,557.71 with 8.50% percent interest thereon from November 1, 1990 until paid, together with 10.00% percent

attorney's fees on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEAUX

BY: James C. Arceneaux

James C. Arceneaux, III
Bar Roll No. 2524
Attorney for Petitioner
210 Baronne Street, Suite 1210
New Orleans, LA 70112
(504) 522-8256

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared, JAMES C. ARCENEAUX, III, who being duly sworn did depose and say:

That he is the attorney for Standard Mortgage Corporation and as such duly authorized to execute this affidavit;

That to the best of appearer's information, knowledge and belief the Soldiers' and Sailors' Civil Relief Act of 1940 (50 USCA 501, et seq) does not apply to any defendant named herein.

That he is familiar with the account of Grace DiBenedetto Cameron, original mortgagor and Linda Hollenberg Lampo, wife of/and Edward Lampo, Sr., assumptors, Account No. 019654 (803), which said account has a principal balance of $11,557.71 plus interest at a rate of 8.50% from November 1, 1990 until paid, which said account is currently due for the months of December 1, 1990 until date; that he has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct to the best of his knowledge, information and belief.

James C. Arceneaux

JAMES C. ARCENEAUX, III

SWORN TO AND SUBSCRIBED BEFORE ME,

This 8th day of April, 1991

Patricia R. Franson

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

ORDER

Considering the allegations of the foregoing petition and Exhibits annexed thereto, let Executory Process issue herein; It is ordered that a writ of seizure and sale issue herein forthwith, as prayed for, according to law, without appraisement.

Let Robert H. Creely, Esq. be appointed Curator-ad-Hoc to represent the absent defendant, Grace DiBenedetto Cameron Roberts.

Gretna, Louisiana

April 29, 1991

JUDGE

CODED

ON MINUTES APR 30 1991

PLEASE SERVE:
(1) NOTICE OF SEIZURE AND SALE (NOTICE OF DEMAND WAIVED)
(2) COPY OF PETITION ON:

Linda Hollenberg Lampo, wife of/and
Edward Lampo, Sr.
601 Vintage Dr.
Kenner, La. 70065

PLEASE SERVE:
(1) NOTICE OF APPOINTMENT
(2) NOTICE OF SEIZURE AND SALE (NOTICE OF DEMAND WAIVED)
(3) COPY OF PETITION ON:

_____,Esq.
Curator-ad-Hoc to represent the
absent defendant
Grace DiBenedetto Cameron Roberts

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

DIV. B
JUDGE
G. THOMAS PORTEOUS, JR.
RONALD E. LOUMIET

Nº 416462

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

RESOLUTION TRUST CORPORATION AS CONSERVATOR FOR FRANKLIN SAVINGS ASSOCIATION

Plaintiff

VS.

JUDITH MYERS VAN CLEEF, WIFE OF/AND GEORGE MELVIN VAN CLEEF A/K/A GEORGE M. VAN CLEEF

Defendant

IRA J. MIDDLEBERG

Attorney for Plaintiff

Attorney for Defendant

Date of Filing MAY 2,1991 JL

HP Exhibit 0189 (99)

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P01

NMC 1866-0188/LOAN NO. 518549

FILED FOR RECORD
'91 JUL 16 PM 2 51
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

CODED: 11

NO. 416-462 DIVISION "A"

RESOLUTION TRUST CORPORATION AS CONSERVATOR FOR
FRANKLIN SAVINGS ASSOCIATION

-VERSUS-

JUDITH MYERS VAN CLEEF, WIFE OF/AND GEORGE MELVIN VAN CLEEF
A/K/A GEORGE M. VAN CLEEF

SUPPLEMENTAL AND AMENDED
PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

The Supplemental and Amended Petition for Executory Process on Mortgage Note of **RESOLUTION TRUST CORPORATION AS CONSERVATOR FOR FRANKLIN SAVINGS ASSOCIATION,** appearing herein through undersigned counsel of record, respectfully represents that it desires to supplement and amend its original petition for executory process on mortgage note filed on May 2, 1991 and its supplemental and amended petition filed on May 30, 1991.

1.

By amending paragraph one of the original petition to read as follows, to-wit:

1.

a) Defendant, Judith Myers Van Cleef, is a person of the full age of majority and resident of and domiciled in the Parish of Calcasieu, State of Louisiana.

b) Defendant, George Melvin Van Cleef a/k/a George M. Van Cleef, is a person of the full age of majority whose last known address were 4812 Livingston Street, Lake Charles, Louisiana, was unable to be served because he

CODED ISSUED 1st of apat
JUL 23 1991
DATE
S/ MYRA LANDIX
Deputy Clerk

does not reside at that address, and we were advised that he is now a non-resident of the State of Louisiana, residing in Salem, Oregon, and his whereabouts are unknown to your petitioner.

II.

By adding paragraph sixteen (16) to read as follows, to-wit:

16.

This Court has jurisdiction over the property which this mortgage is sought to be enforced; but because defendant, George Melvin Van Cleef a/k/a George M. Van Cleef, is an absentee who cannot be served personally with process, an attorney at law should be appointed to represent him.

III.

Your petitioner reurges and reiterates each and every other allegation set forth in the original petition and the supplemental and amended petition as if copied in extenso.

WHEREFORE, RESOLUTION TRUST CORPORATION AS CONSERVATOR FOR FRANKLIN SAVINGS ASSOCIATION, prays that an attorney at law be appointed to represent the absentee defendant, George Melvin Van Cleef a/k/a George M. Van Cleef, that a writ of seizure and sale issue directing the Sheriff for the Parish of Jefferson, State of Louisiana to seize and sell the mortgaged property without appraisement, and according to law to satisfy petitioner's claim as originally prayed for herein.

MIDDLEBERG RIDDLE & GIANNA
201 ST. CHARLES AVENUE, 31ST FLOOR
NEW ORLEANS, LOUISIANA 70170-3100
TELEPHONE: (504) 525-7200
ATTENTION: FORECLOSURE DEPARTMENT

IRA J. MIDDLEBERG
BAR NUMBER 9640

PLEASE SERVE:

GEORGE MELVIN VAN CLEEF, A/K/A
GEORGE M. VAN CLEEF
THROUGH COURT APPOINTED COUNSEL

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

0 7 2 4 9 1 0 0 1 8 1

ORDER

CONSIDERING the allegations in the foregoing supplemental and amended petition for executory process on mortgage note,

IT IS ORDERED by the Court that Robert D. Creely, attorney at law, be and is hereby appointed as Curator Ad Hoc to represent the absentee defendant, George Melvin Van Cleef, a/k/a George M. Van Cleef, in this proceeding.

GRETNA, LOUISIANA, this 18th day of July, 1991.

ON MINUTES JUL 23 1991 CODED

JUDGE

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

№ 416630

DIV A

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NATHAN PHILLIPS

VS.

Plaintiff

CAROL SINGLETARY, WIFE OF?AND NORVIN TRENT (A/K/A NORVIN J.) SITZMAN , ET AL

Defendant

CHARLES E. MCHALE, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing MAY 7,1991 JL

HP Exhibit 0189 (100)

3173

#157

CODED - 12

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. A JUDGE E. THOMAS PORTEBUS, JR.

NO. 416-630 DIVISION " "

NATHAN PHILLIPS

VS

CAROL SINGLETARY, wife of/and NORVIN TRENT (a/k/a NORVIN J.) SITZMAN, ET AL

FILED: _____ _____ DEPUTY CLERK

FILED FOR RECORD MAY 7 10 AM '91 BY CLERK OF PARISH OF JEFFERSON

CODED - 12

ACTION FOR CONFIRMATION OF TITLE TO REAL ESTATE

The petition of Nathan Phillips, a person of age and a resident of the Parish of Orleans, State of Louisiana, with respect represents that:

I.

Petitioner is the sole owner of the following described property situated in the Parish of Jefferson, to-wit:

> ONE CERTAIN LOT OF GROUND, together with all buildings and improvements thereon, and all rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging, or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in UPLAND SUBDIVISION, designated as LOT 24, SQUARE 15, bounded by Upland Avenue, Reno and Bern Streets and a 5 foot strip along the west property line reserved for drains, and measures, in accordance with map of Upland Subdivision, Jefferson Parish, by W. C. Hawkins, C.E. & S., dated August 23, 1927, a copy of same on file in the office of the Clerk of Court, Parish of Jefferson, as follows:
>
> Lot 24 measures 38.72 feet front on Bern Street, a width in the rear of 36.05 feet, by a depth of 120 feet on the line separating Lot 24 and Lot 23 and a depth of 120.02 feet on its other side line. Lot 24 begins 220 feet from the corner of Upland Avenue and Bern Street. According to a survey made by John E. Walker, C.E., dated November 2, 1964, redated February 25, 1965, a copy of which is annexed to act passed on March 1, 1974 before Haley M. Carter, Notary Public, the property is shown as above described.
>
> Improvements thereon bear the Nos. 8306 Bern Street.

II.

Petitioner acquired the subject property for the 1984 Parish taxes for the Parish of Jefferson, assessed in the name of "Norvin J. Sitzman", as per sheriff's deed dated May 29, 1985, registered in COB 1272, folio 314, on June 29, 1985, as per Exhibit P-1 attached hereto and made a part hereof.

ISSUED ut & pet w/ cert of appt

CODED DATE MAY 13 1991

S/ MYRA LANDIX

III.

Defendants, Carol Singletary, wife of/and Norvin Trent Sitzman. acquired the subject property from Leonard G. Sitzman, Sr., as per act before Haley M. Carter, Notary Public, dated March 1, 1974, registered in COB 809, folio 317, as per Exhibit P-2 attached hereto and made a part hereof.

III.

The above tax sale has not been redeemed nor has any suit been filed to annul the tax sale prior to the institution of this proceeding.

IV.

Petitioner pleads the five year peremption period pursuant to Article 7, Section 25 of the 1974 Louisiana Constitution and desires to have the title to the subject property confirmed and quieted in accordance with the law.

V.

Petitioner names as proper party defendants herein CAROL SINGLETARY, wife of/and NORVIN TRENT (a/k/a NORVIN J.) SITZMAN, and their heirs, if they be dead, their surviving spouses, if any, and their heirs, if they be also dead.

VI.

Petitioner has made a due and diligent effort to locate the above defendants, but has been unable to do so. Therefore, petitioner desires that an attorney at law be appointed curator ad hoc to represent the said absent defendants, and their heirs, if they be dead, their surviving spouses, if any, and their heirs, if they be also dead.

VII.

The last known address of the defendants is as follows:

1818 Bienville
New Orleans, LA 70112

WHEREFORE, petitioner prays that a curator ad hoc be appointed herein to represent the absent defendants, CAROL

SINGLETARY, wife of/and NORVIN TRENT (a/k/a NORVIN J.) SITZMAN, and their heirs, if they be dead, their surviving spouses, if any, and their heirs, if they be also dead.

Petitioner further prays that there be proper citation issued herein and that after due proceedings had, there be judgment herein in favor of the plaintiff and against all of the defendants confirming and quieting the title of the plaintiff to the subject property herein, and recognizing plaintiff as the sole and only owner thereof and enjoining and prohibiting the said defendants from claiming or setting up any right, title or interest in and to the said property or any part thereof.

And for all general and equitable relief.

CHARLES E. MCHALE, JR.
Attorney for Plaintiff
Pan American Life Center
601 Poydras St., Suite 2345
New Orleans, LA 70130
Phone: 524-0748
Bar No. 9339

ORDER

LET Robert D. G. Creely, Attorney at Law, be and she/he is hereby appointed curator ad hoc to represent the absent defendants, CAROL SINGLETARY, wife of/and NORVIN TRENT (a/k/a NORVIN J.) SITZMAN, and their heirs, if they be dead, their surviving spouses, if any, and their heirs, if they be also dead; and

LET citation issue herein as prayed for and according to law.

Gretna, Louisiana, this 9th day of May, 1991.

ON MINUTES MAY 13 1991

CODED

JUDGE

PLEASE SERVE:

CAROL SINGLETARY, wife of/and NORVIN TRENT (a/k/a NORVIN J.) SITZMAN, and their heirs, if they be dead, their surviving spouses, if any, and their heirs, if they be also dead, ALL THROUGH THE CURATOR AD HOC APPOINTED HEREIN.

5/7 1991 $200

I, HEREBY CERTIFY THAT ALL COSTS INCURRED IN THIS MATTER HAVE BEEN PAID.

Deputy Clerk

CODED

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 417532

DIV

JUDGE
G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FIRST NATIONAL BANK OF COMMERCE, NEW ORELANS, LOUISIANA, AS TRUSTEE OF JEFFERSON PARISH,ET AL

Plaintiff

VS.

DEIRDRE ROBERT CUCINELLO, WIFE OF/AND ALLEN JOHN CUCINELLO AND DOLORES TABB HAMPTON, A/K/A, ET AL

Defendant

IRA J. MIDDLEBERG

Attorney for Plaintiff

Attorney for Defendant

Date of Filing MAY 22,1991 JL

3177

227

CODED

NMC 1866-0245/ LOAN NO. 581870

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

NO. 417-432 DIVISION "A"

CODED

FILED FOR RECORD
MAY 22 3 17 PM '91
CLERK OF COURT
PARISH OF JEFFERSON

FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA,
AS TRUSTEE OF JEFFERSON PARISH HOME MORTGAGE AUTHORITY

VERSUS

DEIRDRE ROBERT CUCINELLO, WIFE OF/AND ALLEN JOHN CUCINELLO
AND DOLORES TABB HAMPTON, A/K/A DELORES HAMPTON,
WIFE OF/AND ROY CLIFFORD HAMPTON, A/K/A ROY HAMPTON,
A/K/A ROY A. HAMPTON

FILED: _____ _____
DEPUTY CLERK

JUN 04 1991
file note + mortgage in Vault

CODED

PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

The petition of **FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS TRUSTEE FOR JEFFERSON PARISH HOME MORTGAGE AUTHORITY,** with respect represents:

1.

a) Defendants, **DEIRDRE ROBERT CUCINELLO, WIFE OF/AND ALLEN JOHN CUCINELLO,** are persons of the full age of majority and whose whereabouts are unknown to your petitioner; and

b) Defendants, **DOLORES TABB HAMPTON, A/K/A DELORES HAMPTON, WIFE OF/AND ROY CLIFFORD HAMPTON, A/K/A ROY HAMPTON, A/K/A ROY A. HAMPTON,** are persons of the full age of majority and residents of Jefferson Parish, State of Louisiana.

2.

The defendants are jointly, severally and solidarily liable unto petitioner for the following reasons:

3.

Petitioner is the holder and owner in due course for valuable

CODED
ISSUED not of appt
DATE JUN 04 1991
S/ MYRA LANDIX
Deputy Clerk

consideration and before maturity of a certain promissory note executed by DEIRDRE ROBERT CUCINELLO, WIFE OF/AND ALLEN JOHN CUCINELLO, payable to the order of "BEARER", in the principal sum of FIFTY NINE THOUSAND NINE HUNDRED AND NO/100 ($59,900.00) DOLLARS, dated November 1, 1979, payable in monthly installments, including principal and interest, beginning January 1, 1980, and on the first day of each month thereafter until principal and interest are fully paid, the last monthly payment, if not sooner paid, being due and payable on December 1, 2009, and which note bears the interest rate of 7.625% per annum on the unpaid balance from date, and which note was paraphed "Ne Varietur" for identification with and secured by a Credit Sale of Property dated November 1, 1979, passed before Claude J. Champagne, Notary Public, and two witnesses, and recorded at Instrument No. 896903, MOB 780, Folio 307, COB 968, Folio 960, of the official records for the Parish of Jefferson, State of Louisiana. The original of said note is attached hereto and made a part hereof and marked "P-1" for identification. A certified true copy of the Credit Sale of Property is attached hereto and made a part hereof and marked "P-2" for identification.

4.

Further, Progressive Mortgage Corporation did assign, transfer, convey and deliver all rights, title and interest in and to the above described promissory note unto Jefferson Parish Home Mortgage Authority and that Jefferson Parish Home Mortgage Authority did assign, transfer, convey and deliver all rights, title and interest in and to the above described promissory note unto First National Bank of Commerce, New Orleans, Louisiana, as Trustee for Jefferson Parish Home Mortgage Authority by Endorsement and Assignment of Note and Mortgage, in authentic form, dated November 7, 1979, executed by John B. Tarantino, and two witnesses, and passed before Claude J. Champagne, Notary Public, and recorded at Instrument No. 898749, MOB 781, Folio 482, of the official

records of Jefferson Parish. A certified copy of said Endorsement and Assignment of Note and Mortgage is attached hereto and made a part hereof and marked "P-3" for identification.

5.

DOLORES TABB HAMPTON, WIFE OF/AND ROY CLIFFORD HAMPTON, did assume the indebtedness evidenced by the aforesaid note and acquired the property described hereinbelow from DEIRDRE ROBERT CUCINELLO, WIFE OF/AND ALLEN JOHN CUCINELLO, by Act of Sale And Assumption of Mortgage dated November 23, 1987, and passed before Kristina Skold Clark, Notary Public, and two witnesses, and which Act of Sale And Assumption of Mortgage was duly recorded at Instrument No. 87-58589, MOB 2106, Folio 104, COB 1852, Folio 117, of the official records of the Parish of Jefferson, State of Louisiana. A certified true copy of the Act of Sale And Assumption of Mortgage is attached hereto and made a part hereof and marked "P-4" for identification.

6.

By virtue of the aforementioned acts, defendants did specially mortgage, affect and hypothecate unto and in favor of your petitioner, and any other holder or holders of the said note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

> THAT CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that subdivision thereof known as WESTMINISTER PARK SUBDIVISION, as shown on a survey of J. J. Krebs & Sons, Inc., C.E. & S., dated October 24, 1977, approved by the Jefferson Parish Council under Ordinance No. 13192, adopted on January 4, 1978, registered in COB 918, folio 262, and also according to the survey of J. J. Krebs & Sons, Inc., dated April 18, 1979, revised May 4, 1979, revised July 7, 1979 and revised October 25, 1979, described as follows, to-wit: LOT 3, SQUARE 6, which said square is bounded by Westminster Boulevard, Wedmore Drive, the Easterly Boundary of the Subdivision and the 50' United Gas Pipeline Company Right of Way and said Lot No. 3 commences at a distance of 136.80 feet from the intersection of Wedmore Drive and Westminster Boulevard and measures thence 60 feet front on Wedmore Drive, with a width in the rear of 60.01 feet, by a depth on the

sideline nearer to Westminster Boulevard of 105.00 feet and a depth of 104.18 feet on the opposite sideline. Said property bearing the mailing address: 7409 Wedmore Drive, Marrero, Louisiana, 70072.

7.

By virtue of the act referred to in Paragraph 3 hereinabove, defendants confessed judgment upon the note, and consented that if the same was not paid in accordance with the terms and stipulations of said note and the aforesaid acts, the property might be seized and sold under executory process, for cash and with appraisement, defendants having waived demand for payment as provided for in Article 2639 of the Louisiana Code of Civil Procedure.

8.

The defendants have failed to pay the installment due December 1, 1989, and all subsequent installments due under said note.

9.

Defendants are therefore in default under the terms and conditions of the aforesaid note and acts.

10.

Therefore, FIRST NATIONAL BANK OF COMMERCE, NEW ORLEANS, LOUISIANA, AS TRUSTEE FOR JEFFERSON PARISH HOME MORTGAGE AUTHORITY, has exercised its right of acceleration as the holder of the aforesaid note and declares the entire balance of said note due and payable, which balance consists of unpaid principal in the amount of $52,202.95, interest at the rate of 7.625% per annum from November 1, 1989, until paid, together with reasonable attorney's fees; all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

11.

By virtue of the terms of the aforementioned note and acts, defendants agreed to pay reasonable attorney's fees for the attorney at law who might be employed to institute proceedings to

recover the amounts due under said note.

12.

In the note, defendants waived presentment, protest and notice. Paragraph 14 of said Act of Credit Sale of Property waived demand as provided for in Article 2639 of the Code of Civil Procedure of Louisiana.

13.

This Court has jurisdiction over the property affected and encumbered by the act described in Paragraph 3 hereinabove; but because defendants, DEIRDRE ROBERT CUCINELLO, WIFE OF/AND ALLEN JOHN CUCINELLO, are absentees who cannot be served personally with process, an attorney at law should be appointed to represent them.

14.

Defendants, DELORES HAMPTON AND ROY HAMPTON, filed for Bankruptcy Relief in the Eastern District of Louisiana, Case No. 89-14966-B, Chapter 13.

On July 27, 1990, Judge T. M. Brahney, III, ordered the Automatic Stay for defendants, Dolores Hampton and Roy Hampton, be lifted so that the plaintiff herein could foreclose on the property described in Paragraph 5 hereinabove. A certified true copy of the Ex Parte Order is attached hereto and made a part hereof and marked "P-5" for identification.

WHEREFORE, the premises annexed and documents considered, petitioner prays for an order of executory process herein, that a writ of seizure and sale issue forthwith directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and with appraisement, to pay and satisfy the claim of your petitioner in the principal sum of $52,202.95, interest at the rate of 7.625% per annum from November 1, 1989, until paid, together with all sums advanced for taxes and/or insurance, together with reasonable attorneys fees; all sums advanced for taxes and/or insurance; late charges;

property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

Petitioner further prays that out of the proceeds of the sale, it be paid in preference and priority over all other persons and entities.

Petitioner further prays that an attorney at law be appointed to represent the absentee defendants.

MIDDLEBERG, RIDDLE & GIANNA
201 ST. CHARLES AVENUE, 31ST FLOOR
NEW ORLEANS, LOUISIANA 70170-3100
TELEPHONE: (504) 525-7200
ATTENTION: FORECLOSURE DEPARTMENT

IRA J. MIDDLEBERG
BAR NO. 9640

PLEASE SERVE NOTICE OF SEIZURE ON:

DEIRDRE ROBERT CUCINELLO, WIFE OF/AND
ALLEN JOHN CUCINELLO
Through Court Appointed Counsel

AND

DOLORES T. HAMPTON, WIFE OF/AND
ROY C. HAMPTON
7409 Wedmore Drive
Marrero, Louisiana

ORDER

CONSIDERING THE FOREGOING,

LET executory process issue herein as prayed for and according to law.

LET Robert D. Curry Attorney at Law, be appointed Attorney at Hoc to represent the absentee defendants, DEIRDRE ROBERT CUCINELLO, WIFE OF/AND ALLEN JOHN CUCINELLO, in this proceeding.

GRETNA, LOUISIANA, this 29th day of May, 1991.

ORDER

JUDGE

ON MINUTES

MAY 31 1991

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 418422

DIV _____ A

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

RESOLUTION TURST CORPORATION AS CONSERVATOR OFR SOUTHERN FEDERAL SAVINGS BANK

Plaintiff

VS.

MICHAEL RAPP AND GENE P. DUOUCET

Defendant

STEPHEN J. BROUSSARD

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JUNE 13, 1991 JL

HP Exhibit 0189 (104)

3184

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. A

NO. 418-422

DIVISION

JUDGE G. THOMAS PORTEOUS, JR.

RESOLUTION TRUST CORPORATION,
AS CONSERVATOR FOR SOUTHERN FEDERAL SAVINGS BANK

VERSUS

MICHAEL RAPP
AND
GENE P. DOUCET

FILED: _____ DEPUTY CLERK

CODED - 12

FILED FOR RECORD JUN 13 10 51 AM '91 CLERK OF THE DISTRICT COURT PARISH OF JEFFERSON LA

PETITION FOR EXECUTORY PROCESS

The petition of RESOLUTION TRUST CORPORATION as Conservator for Southern Federal Savings Bank, formerly Southern Savings Bank, S.S.B, formerly Southern Savings Association, an institution incorporated under the laws of the United States of America, having its principal place of business in the Parish of Orleans, State of Louisiana, respectfully represents the following:

I.

Defendants herein, MICHAEL RAPP and GENE P. DOUCET, are persons of the full age of majority, and domiciled in Houston, Texas.

II.

Plaintiff is the holder in due course and owner for valuable consideration before maturity of a certain promissory note in the amount of $57,000.00, dated July 29, 1983, payable to the order of Southern Savings Association and executed by Michael Rapp and Gene P. Doucet, bearing interest at the rate of 12.875 per annum. The original of said promissory note is attached hereto and made a part hereof.

III.

Plaintiff, RESOLUTION TRUST CORPORATION as Conservator for SOUTHERN FEDERAL SAVINGS BANK, is the present holder of the promissory note. Although the promissory note is payable to the order of Southern Savings Association, plaintiff alleges that it

JUN 25 1991 file note & mortgage in vault

ISSUED 2 not of demand w/not of appt

DATE JUN 25 1991 CODED

S/ MYRA LANDIX
Clerk

0 6 2 7 9 1 0 2 1 7 7

order of Southern Savings Association, plaintiff alleges that it is the holder of said promissory note by virtue of the following:

A) Southern Savings Association changed its name to Southern Savings Bank, S.S.B, on or about March 27, 1987.

B) The Office of Thrift Supervision by order No. 90-3088, dated December 14, 1990, appointed the Resolution Trust Corporation as Receiver for Southern Savings Bank, S.S.B.

C) On the same day, December 14, 1990, a federal charter was issued to Southern Federal Savings Bank and the Resolution Trust Corporation was appointed conservator therefor.

D) Thereafter and on December 14, 1990, the receiver transferred the assets of Southern Savings Bank, S.S.B unto Southern Federal Savings Bank. The promissory note and mortgage sued upon herein were transferred therewith.

E) The foregoing allegations in sub paragraphs B, C, and D are evidenced by a certified copy of an Act of Deposit which acknowledges documents which evidence the occurrences described in the foregoing sub paragraphs.

IV.

The said promissory note was paraphed "Ne Varietur" for identification with an Act of Mortgage dated July 29, 1983, passed before Stephen J. Broussard, Notary Public in and for the Parish of Orleans, State of Louisiana, recorded in the mortgage records of the Parish of Jefferson at MOB 888, folio 481. A certified copy of said Act of Mortgage is attached hereto and made a part hereof.

V.

In the Act of Mortgage herein referred to, the said defendants did specially mortgage, effect and hypothecate unto and in favor of all future holders of said promissory note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

> ONE CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon and all the right, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining situated in the Parish of Jefferson, State of Louisiana, on the left descending bank of the Mississippi River, in

Jefferson Highway and Sizler Tract, said lot is designated as Lot No. 120 on a survey made by F. C. Gandolfo, Jr., surveyor, dated August 3, 1948, redated August 9, 1948, and according thereto, said lot commences at a distance of 700 feet from the corner of Hyman Drive and Morris Place, and measures thence 50 feet front on Hyman Drive, same width in the rear, by a depth of 110 feet between equal and parallel lines, all in accordance with a survey made by J. L. Fontcuberta, Surveyor, dated May 5, 1971, a copy of which is annexed to an act passed before Roy L. Price, Notary Public, dated May 23, 1971. And according to a survey made by Gilbert, Kelly & Courturie, Inc., Surveying & Engineering, dated July 5, 1983, copy of which is annexed to an act passed before Stephen J. Broussard, Notary Public, dated July 29, 1983, said lot has the same designation, location and dimensions as mentioned above, an the improvements thereon bear the Municipal No. 529 Hyman Drive, Metairie, Louisiana.

Being the same property acquired by Michael Rapp and Gene P. Doucet from John X. Guercia, by an act passed before Stephen J. Broussard, Notary Public, dated July 29, 1983, registered in COB 1054, folio 618, Jefferson Parish, Louisiana.

VI.

In the said Act of Mortgage, the said defendants confessed judgment upon the promissory note in favor of plaintiff and any future holder of the promissory note, and consented that if same were not paid in accordance with its stated terms and conditions and the stipulations of the act, then the said property might be seized and sold under executory process to the highest bidder, for cash, all of which will more fully appear by reference to the certified copy of the Act of Mortgage annexed hereto and made a part hereof.

VIII.

Under the terms of the Act of Mortgage, defendants further agreed to pay 15% attorney's fees in the event of suit.

IX.

Plaintiff alleges that said promissory note is in default and, therefore, it is fully due and payable and fully mature for the following reasons, to-wit:

1) Defendants have failed to pay in full the installment payment due on **May 3, 1990**, and the continuing installments due thereafter in accordance with the terms of the promissory note and Act of Mortgage.

2) Amicable demand for payment in full was made upon the defendants by correspondence dated June 5, 1990, to no avail. A copy of the said correspondence is attached hereto and made a part hereof.

X.

There remains due and owing unto plaintiff, the principal balance in the amount of $55,412.06, plus interest in the amount of $4,706.40, accrued through August 31, 1990, togehter with interest at the rate of 12.875% per annum from September 1, 1990 until paid.

XI.

That **defendants herein are absentee defendants**, both being domiciled in the State of Texas and, therefore, in accordance with Article 2674 of the Louisiana Code of Civil Procedure, **a Curator should be appointed to represent the absent defendants.**

WHEREFORE, the premises and the annexed documents considered, petitioner prays that an order of executory process issue forthwith, that the defendants be served with the demand for payment required by Louisiana Code of Civil Procedure Art. 2639, and upon their failing to comply therewith, **a writ of seizure and sale be issued**, directing the Sheriff of the Parish of Jefferson, State of Louisiana, to seize and sell the property set out in Paragraph V of this petition, according to law, **with appraisement**, in order to pay and satisfy the claim of petitioner in the following amounts:

1) Principal in the amount of **$55,412.06.**

2) Interest in the amount of **$4,706.40**, accrued through August 31, 1990, together with interest at the rate of 12.875% per annum from September 1, 1990 until paid.

3) Attorney's fees in the amount of 15%.

and that out of the proceeds of the said sale, plaintiff be paid the amount of said indebtedness, together with interest, attorney's fees and all costs of these proceedings by preference and priority over all persons whomsoever.

Petitioner further prays that an attorney at law be appointed to represent the unrepresented and absent defendants.

0 6 2 7 9 1 0 2 1 0 0

And for all general and equitable relief.

NEWMAN, MATHIS, BRADY & WAKEFIELD
A Professional Law Corporation
212 Veterans Boulevard
Metairie, Louisiana 70005
Telephone: (504) 837-9040

By: _____
STEPHEN J. BROUSSARD
LA Bar Roll No. 1268

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA

0 6 2 7 9 1 0 2 1 8 1

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. **DIVISION:**

RESOLUTION TRUST CORPORATION,
AS CONSERVATOR FOR SOUTHERN FEDERAL SAVINGS BANK

VERSUS

MICHAEL RAPP
AND
GENE P. DOUCET

FILED
JUN 13 1991
Kim Bozano
DEPUTY CLERK

FILED: _____ DEPUTY CLERK

VERIFICATION

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, personally came and appeared the undersigned, **WAYNE E. BURGER**, after being duly sworn, deposed that he is Vice President of credit of Southern Federal Savings Bank and that all of the facts alleges in the said Petition for Executory Process are true and correct, to the best of his knowledge and belief.

WAYNE E. BURGER

SWORN TO AND SUBSCRIBED BEFORE ME, NOTARY, THIS 12th DAY OF June, 1991.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CL
24TH JUDICIAL DIST COURT
PARISH OF JEFFERSON

0 6 2 7 9 1 0 2 1 8 2

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. **DIVISION:**

RESOLUTION TRUST CORPORATION,
AS CONSERVATOR FOR SOUTHERN FEDERAL SAVINGS BANK

VERSUS

MICHAEL RAPP
AND
GENE P. DOUCET

FILED:_____ _____
DEPUTY CLERK

O R D E R

Considering the foregoing,

LET executory process issue as prayed for herein.

IT IS ORDERED that Robert Creely, attorney at law be, and is hereby appointed to represent the absent defendants herein, namely Michael Rapp and Gene P. Doucet.

Gretna, Louisiana, this 21 day of June, 1991.

ON MINUTES
CODED JUN 24 1991

_____
J U D G E

PLEASE SERVE DEFENDANTS WITH THE APPROPRIATE NOTICES UNDER THE LOUISIANA CODE OF CIVIL PROCEDURE ARTICLES 2639 THREE DAY NOTICE OF DEMAND:

MICHAEL RAPP, THROUGH HIS CURATOR AD HOC

AND

GENE P. DOUCET, THROUGH HIS CURATOR AD HOC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 419523

DIV. A

DIV. A JUDGE THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NATHAN PHILLIPS

Plaintiff

VS.

LILLIE MAE COSTON, DIVORCED WIFE OF JAMES J. OLIVER

Defendant

J. JOSEPH BLOTNER

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JULY 8,1991 JL

HP Exhibit 0189 (105)

0 1 0 1 0 9 1 0 1 1 6 5

TWENTY FOURTH JUDICIAL DISTRICT

STATE OF LOUISIANA

PARISH OF JEFFERSON

p01

NUMBER: 419-523 DIVISION: "A"

NATHAN PHILLIPS

VS.

LILLIE MAE COSTON, divorced wife of JAMES J. OLIVER

FILED: _____ _____ DY CLERK

DEPUTY CLERK PARISH OF JEFFERSON, LA

'91 OCT 2 AM 10 46

SUPPLEMENTAL AND AMENDED PETITION

The supplemental and amended petition of Nathan Phillips, a person of the full age of majority and resident of the Parish of Orleans, State of Louisiana, with respect represents:

I.

That a due and diligent search has been made by the Sheriff of the Parish of Jefferson, to serve the notice of seizure on the the defendant, Lillie Mae Coston, divorced wife of James J. Oliver to no avail.

II.

That an Attorney at Law should be appointed as Curator ad Hoc to represent the absent defendant, Lillie Mae Coston, divorced wife of James J. Oliver, in these proceedings as provided by law.

III.

That the petitioner reiterates and reaffirms all of the allegations contained in the original petition filed herein.

WHEREFORE, petitioner prays that:

1). The supplemental and amended petition be filed as prayed for and in accordance with law.

2). That an attorney at law be appointed to represent the absent defendant, Lillie Mae Coston, divorced wife of James J. Oliver, in these proceedings.

3). That an order of executory process issue herein, dispensing with the demand for payment and the three day

SSUE: not of appt

DATE OCT 09 1991

S/ MYRA LANDIX

Deputy Clerk

CODED

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delay and that a writ of seizure and sale issue herein, directing the Sheriff of the Parish of Jefferson, to seize and after due proceedings had, and advertisements, notice and delays and formalities to sell without appraisement, according to law, to the highest bidder, the property herein above described, to pay and satisfy the claim of petitioner, the sum of Fifteen Thousand, Eight Hundred and No/100 ($15,800.00) Dollars, together with interest at the rate of Ten (10.00%) percent per annum from July 1, 1990, until paid, plus an attorney's collection fee of fifteen (15.00%) percent of the principal and interest due and all costs of these proceedings, on the **terms of ten percent down, and the balance within thirty days;** that out of the proceeds of the said sale, your petitioner be paid the amount of his claim with preference and priority over all persons whomsoever.

J. JOSEPH BLOTNER
ATTORNEY AT LAW
LA. BAR # 3161
614 SECOND STREET
GRETNA, LA. 70053

ORDER

CONSIDERING the foregoing petition,

1). Let the supplemental and amended petition be filed as prayed for in accordance with law.

2). Let Robert L. Creely, Attorney at Law, be and he is hereby appointed to represent the absent defendant, LILLIE MAE COSTON, divorced wife of JAMES J. OLIVER, in these proceedings.

GRETNA, LOUISIANA, this 4th day of OCTOBER, 1991.

CODED

JUDGE

ON MINUTES
OCT 8 1991

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

№ 420376

DIV _____ DIV. A

JUDGE E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

ISABEL MILLER, wife of/and ANTHONY J. SCHNELLER

Plaintiff

vs.

FINAL WORD INC

Defendant

CHARLES EMILE BRUNEAU, JR

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JULY 24,1991 jff

HP Exhibit 0189 (107)

CODED - 12

DIV. A
JUDGE
G. THOMAS PORTEDOS, JR.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 420-376 DIVISION "C"

ISABEL MILLER, WIFE OF/AND ANTHONY J. SCHNELLER

versus

FINAL WORD, INC.

CODED - 12

FILED:_____ _____
DEPUTY CLERK

PETITION TO ANNUL TAX SALE

The petition of MRS. ISABEL MILLER, wife of/and ANTHONY J. SCHNELLER, both persons of the full age of majority and residents of and domiciled in the Parish of Jefferson, State of Louisiana, with respect represent:

I.

Plaintiffs purchased the following described property from Mrs. Carol Schnitt, wife of/and Jack R. Sutton by act before Michael D. Charbonnet, Notary Public, dated August 29, 1984, registered in COB 1088, Folio 269, and bearing Entry No. 8841273 in the Conveyance Records of the Parish of Jefferson, State of Louisiana, and more particularly described as follows:

> TWO CERTAIN LOTS OF GROUND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, advantages, and appurtenances thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part thereof known as METAIRIE HEIGHTS SUBDIVISION, bounded by METAIRIE HEIGHTS AVENUE, 6TH STREET, FAGOT AVENUE, RIDGEWAY DRIVE, and LAKE PONTCHARTRAIN, designated as LOT NOS. 990 and 992 on a survey made by Gilbert, Kelly & Couturie, Inc., Surveyors, dated September 15, 1983, a copy of which is attached to an act before John H. Hammel, III, Notary Public, dated September 16, 1983, and according to said survey said lots adjoin each other and measure each 25' front on Metairie Heights Avenue, the same width in the rear by a depth of 120' between equal and papallel lines, with Lot No. 990 lying nearer to and commencing at a distance of 125' from the corner of Metairie Heights Avenue and 6th Street, and 12,375' from the corner of Metairie Heights Avenue and Fagot Avenue.

All as per certified copy of said Act annexed hereto and identified as Plaintiffs' Exhibit No. 1.

cit & pet w/ not of appt

CODED DATE JUL 26 1991

S/ MYRA LANDIX

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II.

The defendant, FINAL WORD, INC. and/or VIRGINIA JOHNSON, doing business as "THE FINAL WORD", a Louisiana business corporation and an individual believed to be domiciled in the Parish of Jefferson, State of Louisiana, but whose whereabouts are unknown, hereinafter sometimes referred to as "FINAL WORD, INC.", was the adjudicatee of Lot 990, Metairie Heights Subdivision, forming a portion of the above described property by an alleged tax sale for delinquent parish taxes for the year 1984, held by the Sheriff and Ex-Officio Tax Collector for the Parish of Jefferson, on May 29, 1985, when the said defendant, FINAL WORD, INC., became the adjudicatee of the above described property, which was assessed and sold in the name of Jack R. Sutton.

III.

The Sheriff's deed transferring the property to the defendant pursuant to the adjudication was registered in the office of the Clerk of Court for the Parish of Jefferson, on June 29, 1985, registered in COB 1272, Folio 0288, bearing Entry No. 8528971.

IV.

The parish taxes for the year 1984 were assessed in the name of Jack R. Sutton only. No notice of said taxes was at any time given to plaintiffs, Mrs. Isabel Miller, wife of/and Anthony J. Schneller, who were the record owners on and after August 29, 1984, to date.

V.

No notice in any form of delinquency or of a proposed tax sale of the property in question to defendant, FINAL WORD, INC., was ever conveyed to plaintiffs, Mrs. Isabel Miller, wife of/and Anthony J. Schneller, who were the owners as a matter of public record on and after August 29, 1984, to date. No notice of sale of the said property for taxes was

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ever conveyed to plaintiffs, Mrs. Isabel Miller, wife of/and Anthony J. Schneller.

VI.

By reference to the proces verbal of the Sheriff and Ex-Officio State Tax Collector for the Parish of Jefferson, filed with the Clerk of Court for the Parish of Jefferson, a certified copy of which is annexed hereto and identified as Plaintiffs' Exhibit No. 2, service of the notice of delinquent taxes on the above described property was allegedly made on Jack R. Sutton by registered letter, who was not the record owner of the property at that time. The Sheriff for the Parish of Jefferson, by letter dated May 9, 1991, annexed hereto and identified as Plaintiffs' Exhibit No. 3, acknowledged that the 1984 tax notice was sent to Jack R. Sutton, 1026 Homestead Avenue, Metairie, Louisiana, and that the Sheriff's office notified the wrong tax debtor.

VII.

The office of the Secretary of State has no record regarding "Final Word, Inc." and no registered agent therefor. However, the records of the Secretary of State indicate that Virginia Johnson applied for a trade name for "The Final Word", c/o R. Goodman, Post Office Box 481, Kenner, Louisiana 70063. Plaintiffs, by certified letter, with a return receipt request, offered to redeem said property but the said letter was returned with the notation "addressee unknown". Said letter is annexed hereto and identified as Plaintiff's Exhibit No. 4. It, therefore, becomes necessary to appoint a curator ad hoc to represent defendant in these proceedings.

VIII.

The aforementioned tax sale is null and void and conveyed no title to the defendant herein for the reasons hereinbefore recited.

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WHEREFORE, Plaintiffs, MRS. ISABEL MILLER, wife of/ and ANTHONY J. SCHNELLER, pray that a curator ad hoc be appointed to represent defendant in these proceedings and that there be judgment herein in their favor and against defendant, FINAL WORD,INC. and/or VIRGINIA JOHNSON, doing business as THE FINAL WORD, recognizing plaintiffs to be the owners of the property hereinabove described, and annulling the said tax sale, and ordering the cancellation of the inscription of said sale registered in COB 1272, Folio 0288, Entry No. 8528791, in the office of the Clerk of Court for the Parish of Jefferson, State of Louisiana; and for all costs of these proceedings.

CHARLES EMILE BRUNEAU, JR.
BAR NO. 3600
ATTORNEY FOR PLAINTIFFS
MR. & MRS. ANTHONY J. SCHNELLER
5534 CANAL BOULEVARD, SUITE 4
NEW ORLEANS, LOUISIANA 70124
T E L E P H O N E : 482-0694

* * * * *
O R D E R
* * * * *

LET Robert D. McCoy, attorney at law, be and he is hereby appointed curator ad hoc to represent and stand in judgment for FINAL WORD, INC. and/or VIRGINIA JOHNSON, doing business as "THE FINAL WORD", made defendant in this suit, and let citation and notice issue herein, as prayed for according to law.

GRETNA, LOUISIANA, This 24th day of July, 1991.

J U D G E

ON MINUTES
JUL 26 1991

PLEASE SERVE:

FINAL WORD, INC. and/or
VIRGINIA JOHNSON, d/b/a
"THE FINAL WORD"
Through their Curator Ad Hoc

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 420489

DIV. A

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

JUDGE THOMAS PORTEOUS, JR.

RESOLUTION TRUST CORP

Plaintiff

VS.

PAULETTA WELLMAN NAPIER, wife of/and RALPH W. NAPIER, JR

Defendant

IRA J. MIDDLEBERG

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JULY 25,1991 jff

3200

HP Exhibit 0189 (108)

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HOME 1903-0033/ LOAN NO. 4622

P01

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 420-489 DIVISION: A

FILED
'91 AUG 13 P11
FILED FOR RECORD
PARISH OF JEFFERSON, LA.
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

RESOLUTION TRUST CORPORATION AS RECEIVER FOR
HOME SAVINGS AND LOAN ASSOCIATION, F.A.

-VERSUS-

PAULETTA WELLMAN NAPIER, WIFE OF/AND RALPH W. NAPIER, JR.

MOTION TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel, comes RESOLUTION TRUST CORPORATION AS RECEIVER FOR HOME SAVINGS AND LOAN ASSOCIATION, F.A., who respectfully represents that:

1.

The defendants, Pauletta Wellman Napier and Ralph W. Napier, Jr. are persons of the full age of majority whose last known address was 18 Colony Trail, Mandeville, Louisiana. Petitioner has been advised by the St. Tammany Parish Sheriff's Office that the defendants have moved from the above address. Petitioner did cause to be sent a letter to the U.S. Postmaster, Mandeville, Louisiana 70448. Said letter was returned to petitioner with notation that defendants had moved and left no forwarding address.

2.

This Court has jurisdiction over the property against which this mortgage and judgment is sought to be enforced; but because defendants, Pauletta Wellman Napier and Ralph W. Napier, Jr. are absentees and, therefore,

ISSUED not of appt w/ citat
DATE AUG 28 1991
S/ MYRA LANDIX
DEPUTY CLERK

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service cannot be made, an attorney at law should be appointed to represent them.

3.

Your petitioner reurges and reiterates each and every other allegation as set forth in the original petition as if copied in extenso.

WHEREFORE, RESOLUTION TRUST CORPORATION AS RECEIVER FOR HOME SAVINGS AND LOAN ASSOCIATION, F.A., prays that an attorney at law be appointed to represent the absent defendants, Pauletta Wellman Napier and Ralph W. Napier, Jr.

MIDDLEBERG RIDDLE & GIANNA
201 ST. CHARLES AVENUE, 31ST FLOOR
NEW ORLEANS, LOUISIANA 70170-3100
TELEPHONE: (504) 525-7200
ATTENTION: FORECLOSURE DEPARTMENT

IRA J. MIDDLEBERG
BAR NUMBER 9640

PLEASE SERVE:

PAULETTA WELLMAN NAPIER AND
RALPH W. NAPIER, JR.
THROUGH COURT APPOINTED COUNSEL

ORDER

IT IS ORDERED by the Court that Robert B. Crosby, attorney at law, be and is hereby appointed as Curator Ad Hoc to represent the absent defendants, Pauletta Wellman Napier and Ralph W. Napier, Jr. in this proceeding.

GRETNA, LOUISIANA, this 23rd day of August, 1991.

ON MINUTES
AUG 26 1991

JUDGE

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A

JUDGE THOMAS PORTEOUS, JR.

DIV

Nº 420532

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

STANDARD MORTGAGE CORP

VS. *Plaintiff*

ARHONDA TROQUILLE TORNABENE (ARHONDA TROQUILLE) wife of/and

HAROLD V. TORNABENE, JR

Defendant

JAMES C. ARCENEAUX, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JULY 26, 1991 jff

3203

HP Exhibit 0189 (109)

Coded 17

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 420-532 DIVISION "A"

STANDARD MORTGAGE CORPORATION

VS.

ARHONDA TROQUILLE TORNABENE (ARHONDA TROQUILLE)
WIFE OF/AND HAROLD V. TORNABENE, JR.

FILED: _____ _____
DEPUTY CLERK

SUPPLEMENTAL AND AMENDED PETITION

I.

Petitioner realleges and reaffirms all allegations contained in Paragraphs I through VIII of the original petition filed in these proceedings on July 26, 1991.

II.

Petitioner was informed and did believe that the defendants, Arhonda Troquille Tornabene, wife of/and Harold V. Tornabene, Jr., were living and residing at 4309 Center St., Metairie, La. and that acting on that information and belief, the petitioner requested that the said defendants be served at that address.

III.

The records of the Sheriff's Department of the Parish of Jefferson reflect that, in spite of diligent efforts, said Sheriff's Department has been unable to locate the defendants at the above mentioned address and has, therefore, been unable to serve the defendant. A letter directed to the U. S. Postmaster requesting a forwarding address was returned showing "Good as addressed", however, the sheriff's return reflected that the house was vacant. A skip trace was ordered on the defendants reflected that they were living and residing at 4613 Yale St., Apt. D, Metairie, La. The sheriff attempted service at this new

ISSUED Not Served
NOV 26 1991
DATE
S/ MYRA LANDIX
Deputy Clerk

address and reported that the defendants had moved. Another letter was sent to the U. S. Postmaster requesting a forwarding address was returned showing "Good As Addressed". Accordingly, the current whereabouts of the defendants are unknown to petitioner and therefore, it will be necessary for this Court to appoint an attorney to represent the defendants in these proceedings.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent defendants, Arhonda Troquille Tornabene, wife of/and Harold V. Tornabene, Jr., that he be served with copies of the notice appointing the curator, original petition, the supplemental and amended petition together with the notice of seizure.

GRAHAM & ARCENEAUX

BY: James C. Arceneaux

JAMES C. ARCENEAUX, III
Bar Roll No. 2524
601 Poydras Street, Suite 2650
New Orleans, La. 70130
Phone: (504) 522-8256

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

FILED
NOV 19 1991
DEPUTY CLERK

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

JAMES C. ARCENEAUX, III

who, upon being first duly sworn, did depose and say;

That he is the attorney for Standard Mortgage Corporation; and, as such, is familiar with the account of the persons made defendants herein; that he has read the above and foregoing Supplemental And Amended Petition and that all of the facts and allegations therein contained are true and correct to the best of his knowledge, information and belief.

JAMES C. ARCENEAUX, III

SWORN TO AND SUBSCRIBED BEFORE ME THIS 15th DAY OF November, 1991.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

C 20 2 1 0 2 7 3

ORDER

Let Robert Creely, Esq. be appointed as Curator-ad-Hoc to represent the absent defendants, Arhonda Troquille Tornabene, wife of/and Harold V. Tornabene, Jr..

Gretna, Louisiana
November 22, 1991

CODED

JUDGE

ON MINUTES
NOV 25 1991

PLEASE SERVE:
(1) COPY OF NOTICE OF APPOINTMENT
(2) COPY OF PETITION
(3) COPY OF SUPPLEMENTAL PETITION, AND
(4) NOTICE OF SEIZURE ON:

_____, Esq.
Curator-ad-Hoc to represent
the absent defendants
Arhonda Troquille Tornabene, wife
of/and Harold V. Tornabene, Jr.
(NOTICE OF DEMAND WAIVED)

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 421180

DIV

DIV. A
JUDGE
G. THOMAS PORTEGUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

HIBERNIA NATIONAL BANK

Plaintiff

VS.

BARRY R. ALFORTISH

Defendant

ROBERT T. WAKEFIELD

Attorney for Plaintiff

Attorney for Defendant

Date of Filing AUG. 8, 1991 cs

HP Exhibit 0189 (111)

3208

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HIBERNIA NATIONAL BANK
VERSUS
BARRY R. ALORTISH

24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA
NO. 421-180 A

FILED: _____ _____ DEPUTY CLERK

FILED FOR RECORD '91 SEP 30 AM 11 42 DEPUTY CLERK PARISH OF JEFFERSON, LA.

CODED

SUPPLEMENTAL AND AMENDING PETITION

The supplemental petition of Hibernia National Bank, plaintiff in the above numbered and entitled cause, respectfully represents that the plaintiff desires to supplement its original petition filed herein in August of 1991 in the following respects:

I.

Pursuant to plaintiff's original petition for executory process, this Honorable Court signed an order for the issuance of executory process in August of 1991 and the initial notices of seizure were issued shortly thereafter.

II.

The sheriff of this parish has, after a due and diligent search, been unable to serve the notice of seizure upon Barry R. Alfortish.

III.

In accordance with Article 2641 and 2674 of the Code of Civil Procedure, plaintiff desires that this Honorable Court appoint an attorney at law to represent said defendant.

WHEREFORE, plaintiff reiterating the prayer of its original petition, prays that this supplemental petition be filed and that an attorney at law be appointed to represent the absent defendant, Barry R. Alfortish.

NEWMAN, MATHIS, BRADY,
WAKEFIELD & SPEDALE
A PROFESSIONAL LAW CORPORATION
212 VETERANS BLVD.
METAIRIE, LA 70005
(504) 837 9040

BY: Robert Wakefield
ROBERT T. WAKEFIELD #13159

ISSUED Bot of appt
DATE OCT 04 1991
S/ MYRA LANDIX
Deputy Clerk

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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VERIFICATION

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared: ROBERT T. WAKEFIELD

who being duly sworn, deposed and said:

That Robert T. Wakefield is the attorney for the plaintiff in the foregoing Petition for Executory Process and that all of the facts alleged in the foregoing petition are true and correct to the best of his knowledge and belief.

ROBERT T. WAKEFIELD

SWORN TO AND SUBSCRIBED BEFORE ME THIS 26th DAY OF Sept., 1991.

NOTARY PUBLIC

ORDER

IT IS ORDERED by the court that , attorney at law, be appointed to represent the absent defendant, Barry R. Alfortish and that a certified true copy of the order be sent to the Sheriff of Jefferson Parish with the name and address of the attorney at law to be appointed for the absent defendant.

GRETNA, LOUISIANA this 1st day of October, 1991.

JUDGE

CODED ON MINUTES OCT 3 1991

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A

DIV JUDGE E. THOMAS PORTEOUS, JR.

№ 422162

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

IN RE: INTERDICTION OF HELEN POCHE

VS.

Plaintiff

Defendant

ANN MACLAINE

Attorney for Plaintiff

Attorney for Defendant

Date of Filing AUG. 30, 1991 cs

3211

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P01

TWENTY-FOURTH JUDICIAL DISTRICT COURT
STATE OF LOUISIANA

NO. 422-162 DIVISION A

IN RE:
INTERDICTION OF
HELEN POCHE

FILED FOR RECORD
'91 SEP 30 AM 10 36
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

CODED

FILED: _____ _____
DEPUTY CLERK

MOTION FOR APPOINTMENT OF COUNSEL

On motion of Ann Maclaine, attorney for petitioner Advocacy Center for the Elderly and Disabled, and upon suggesting that defendant Helen Poche was personally served with the petition for interdiction on September 11, 1991, and upon further suggesting that defendant has not filed an answer to said petition, and that, pursuant to La. Code Civ. Pro. Art. 4544, an attorney needs to be appointed to represent defendant,

IT IS ORDERED that Robert H. Cerny, attorney at law, be and hereby is appointed to represent defendant Helen Poche in these proceedings.

Gretna, Louisiana, this 1st day of October, 1991.

CODED OCT 3 1991 ON MINUTES

JUDGE

A. Maclaine

Ann Maclaine, Bar No. 8780
Advocacy Center for the Elderly
and Disabled
210 O'Keefe, Suite 700
New Orleans, Louisiana 70112
(504) 522-2337
Mover

Please serve this motion and the original petition for interdiction on the Attorney appointed to represent Helen Poche

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

ISSUED not of appt w/ct tonight CODED
DATE OCT 04 1991
S/ MYRA LANDIX
Deputy Clerk

Nº 422559

DIV DIV. A JUDGE C. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FIRST NATIONAL BANK OF JEFFERSON PARISH

Plaintiff

VS.

DAYTON V. MASSA & SUSAN BREUER MASSA & VICTOR L. MASSA & ELIZABETH J. WALLACE MASSA & LEONARD J. THOMPSON & PEGGY THOMPSON

Defendant

MAURICE E. CLARK, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing SEPT. 9, 1991 c s

3213

HP Exhibit 0189 (116)

19910095

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FIRST NATIONAL BANK OF JEFFERSON PARISH

[plaintiff]
VERSUS
[defendants]

DAYTON V. MASSA & SUSAN BREUER MASSA &
VICTOR L. MASSA & ELIZABETH J. WALLACE MASSA &
LEONARD J. THOMPSON & PEGGY THOMPSON

NO. 422-559

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

DIVISION

DOCKET

FILED FOR RECORD

EXECUTORY PROCESS ON COLLATERAL MORTGAGE
Under Louisiana Consumer Credit Law

ABOVE NAMED PLAINTIFF CORPORATION, DOMICILED IN LOUISIANA, LICENSED UNDER LA R.S. 9:3510 et seq, SAYS:

1. Plaintiff holds note signed by above named full age defendants, domiciled in this parish dated AUGUST 24, 1988, for $65,855.92, payable in 23 installments of $855.34 and 1 installment for $63,609.96, the 25th day of each succeeding month, and bearing interest after maturity as shown by said note, annexed hereto and made part hereof, as if written in extenso.

2. Default of one installment matures note, making it due in full with 25% attorney fees on principal and interest due.

3. Defendants made payments on said note, leaving a balance of $61,217.56 past due since AUGUST 25, 1990, with no unearned interest due, resulting in a net principal balance due of $61,217.56 plus delinquent interest of $3061.47.

4. To secure prompt, full payment of said promissory hand note, defendants did give in pledge the hereinafter stated collateral mortgage notes and the hereinafter stated collateral mortgages they are identified with.

5. Petitioner is holder and owner for value of one certain collateral mortgage note, signed and executed by the defendants to the order of bearer dated JULY 12, 1986 at Harvey, Louisiana, in the amount of $30,000.00, payable on demand and bearing interest after maturity as shown by said note, annexed hereto and made part hereof, as if written in extenso. Said collateral mortgage note is secured by an Act of Collateral Mortgage of even date, filed at MOB 1227, folio 110, Parish of Jefferson, and the said Collateral mortgage note was paraphed by notary to identify it with the said collateral mortgage, a copy of which is certified and annexed hereto and made part hereof, as if written in extenso, in which defendants specially mortgage and hypothecate the following described property, to-wit:

ONE CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon and all rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part thereof known as MAGNOLIA RIDGE SUBDIVISION, bounded by ORCHARD ROAD, CITRUS ROAD, MARK LANE, SONIAT CANAL NOTTAWAY PLACE and BELLE CHERIE PLACE, being a resubdivision of Lots 63-A, 64-A and 65-A, Highland Acres (or Farms), Section "G" of Square "G", in accordance with the plan of J.J. Krebs & Sons, Inc., C.E., dated November 3, 1977, approved by the Jefferson Parish Council under Ordinance No. 13210 dated February 1, 1978, registered in COB 920, folio 56, Entry No. 810-822, Jefferson Parish. Said lot is designated as LOT NO. 20 and measures 60 feet front along a curve having a radius of 40 feet on Belle Cherie Place, a width in the rear of 10 feet by a depth of 75.57 feet on the Orchard Road side and a first depth of 112.57 feet to a point, thence second depth of 10 feet to the rear property line on the opposite sideline. All as more fully shown on survey by J.J. Krebs & Sons, Inc., dated October 12, 1978, a copy of which is annexed hereto.

Improvements thereon bear the municipal number 9420 Belle Cherie Place, River Ridge, Louisiana 70123.

Being the same property acquired by Susan Breuer wife of/and Dayton V. Massa from Archway Builders, Inc. in an act dated February 11, 1983, registered in COB 1041, folio 673, Parish of Jefferson, State of Louisiana.

6. Petitioner is holder and owner for value of a second collateral mortgage note, signed and executed by defendants to the order of bearer dated JULY 12, 1985 at Harvey, Louisiana, in the amount of $60,000.00, payable on demand and bearing interest after maturity as shown by said note, annexed hereto and made part hereof, as if written in extenso. Said collateral mortgage note is secured by an Act of Collateral Mortgage of even date filed at MOB 2495, folio 553, Parish of ORLEANS, and the said collateral mortgage note was paraphed by notary to identify it with the said collateral mortgage, a copy of which is certified and annexed hereto and made part hereof, as if written in extenso, in which defendants specially mortgage and hypothecate the following described property, to-wit:

A CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in the Fifth District of the City of New Orleans, in that part thereof known as Victory Plaza Annex, which is composed of parcels G, H and J of Victory Drive Plaza, which said portion of ground, according to a plan of subdivision of Adloe Orr, Jr. & Associates, C.E. & S., dated May 5, 1964, approved by the City Planning Commission on October 1, 1964, registered in COB 659, folio 503, which lot is designated and measures as follows:

LOT 49, SQUARE H-2, bounded by Jo Ann Place, Americus Street, Murl Street, Magellan Canal, Elizardi Blvd., Wall Blvd. and Copernicus Street, which lot commences 36 feet from the point of curve having a radius of 20 feet at the intersection of Americus Street and Jo Ann Place and a width in the rear of 85 feet, and by a depth on the sideline nearest Americus Street of 106.28 feet, and by a depth on the opposite side line of 100 feet.

Improvements bear the municipal number 1807-09 Jo Ann Place.

Being the same property acquired in an act dated July 12, 1985, registered in COB _____, folio ____, Parish of Orleans, State of Louisiana.

7. Defendants agreed in the said Acts of Collateral Mortgage that the said hereinabove described properties would remain so mortgaged and hypothecated in the favor of any holder of said notes, until full payment of any debt or note for which said collateral mortgage notes might be pledged as security or until full payment of the collateral mortgage notes together with principal and interest and 25% attorney fees on principal and interest, together with premiums of insurance, payments to prior mortgage holders, taxes, expenses and court costs; and defendants did confess judgment herein for the principal and all these debts and charges hereinabove enumerated and did consent that if the collateral mortgage notes or their secured debts be not paid in accordance with their terms, the mortgaged property might be sold without appraisement to the highest bidder for cash under executory process.

8. In the said Acts of Collateral Mortgage, defendants did expressly waive a putting in default or three day notice of demand.

9. Petitioner shows that there is due and owing a balance of default on the hereinabove stated hand note in the amount of $61,217.56 plus delinquent interest of $3061.47, together with 25% interest per annum thereon from the date of JUNE 18, 1991.

10. Defendants, DAYTON V. MASSA & SUSAN BREUER MASSA, have moved out of state and a curator must be

0 0 1 9 9 1 0 0 9 5 0

appointed to represent the absent defendants herein.

WHEREFORE, considering the annexed documents, the premises and the Law, Plaintiff prays for an order of EXECUTORY PROCESS herein, and that a writ of seizure and sale issue herein, directing the SHERIFF OF THE APPROPRIATE PARISH that he seize and after advertisement and due proceedings had, sell the hereinabove described property WITH appraisement to the highest bidder for cash to pay and satisfy the claim of your petitioner, amounting to the full sum of $ 61,217.56 PLUS DELINQUENT INTEREST OF $3061.47, together with interest thereon at the rate of 25 % per annum from JUNE 18, 1991 UNTIL PAID together with 25 % attorney fees on the principal and interest and all costs of these proceedings, and petitioner further prays that out of these proceeds of the sale petitioner be paid the amount of his claim with preference and priority over all persons whomsoever.

And for all equitable relief.

MAURICE E. CLARK, jr. and/or PAUL W. ODENWALD
Attorneys for Plaintiff
P.O. Box 19282, 3929 Tulane Ave., N.O., La. 70179
phone # 488 4486

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned Notary, personally came and appeared this day: MILTON BOUDREAUX who deposed under oath that he is the MANAGER RETAIL COLLECTIONS for plaintiff herein and has read the above and foregoing petition, and that all statements made therein are true and correct.

AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME THIS 9th day of Sept, 1991.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

ORDER

LET EXECUTORY PROCESS ISSUE HEREIN as prayed for and according to Law. SUSAN AND LET Robert Creely BE APPOINTED CURATOR FOR DAYTON V. MASSA &BREUER MA[illegible] Metairie, Louisiana, this September 10, 1991.

ON MINUTES

SEP 11 1991

JUDGE

CODED

SERVE: VICTOR L. MASSA
531 TERRACE ST
JEFFERSON, LA.70121

ELIZABETH J. WALLACE MASSA
531 TERRACE ST
JEFFERSON, LA. 70121

LEONARD J. THOMPSON
9921 NOTTOWAY
RIVER RIDGE, LA.70123

PEGGY THOMPSON, 9921 NOTTOWAY, RIVERRIDGE, LA. 70123

DIV. A
JUDGE
THOMAS PONTEOUS, JR.

DIV

Nº 423088

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

AMERICAN THRIFT AND FINANCE PLAN, INC.

Plaintiff

VS.

ROSLYN JOHNSON, WIFE OF/AND HAROLD JOHNSON

Defendant

DANIEL A. OPPENHEIM

Attorney for Plaintiff

Attorney for Defendant

Date of Filing SEPT. 19, 1991 cs

HP Exhibit 0189 (118)

3217

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24TH JUDICIAL DISTRICT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 423-088 DIVISION "A" DOCKET NO:_____

AMERICAN THRIFT AND FINANCE PLAN, INC.

VERSUS

ROSLYN JOHNSON, wife of/and
HAROLD JOHNSON

P1

CODED

FILED:_____ _____
DEPUTY CLERK

FILED FOR RECORD
'91 OCT 30 PM 2 26
LEPUTY CLERK
PARISH OF JEFFERSON, LA

MOTION TO APPOINT CURATOR TO REPRESENT ABSENTEE DEFENDANT

Now into court, through its undersigned counsel, comes American Thrift and Finance Plan, Inc., plaintiff herein, and respectfully represents to this Honorable Court:

1.

That certain immovable property, located at 252 Coretta Drive, Avondale, Louisiana which is owned by the defendants, Roslyn Johnson and Harold Johnson, and which property is mortgaged to plaintiff herein, has been seized by the Sheriff for the Parish of Jefferson, under a writ of executory process directed to him in this proceeding.

2.

That the written notice of seizure and sale issued in accordance with Articles 2640 and 2641, LA C.C.P. has been returned by the Sheriff for the Parish of Jefferson with the notation that after a due and diligent search, he has been unable to locate the defendant, Roslyn Johnson, at her domicile, employment, or anyone authorized to represent her.

3.

That the said Roslyn Johnson is an absentee within the meaning and contemplation of Article 5251, LA C.C.P. and that the whereabouts of the said defendant are unknown and she can not be found and served after a due and diligent search, though she may be domiciled or actually reside in the state, and that it is necessary that the court appoint an Attorney at Law to represent her and upon whom service can be made of notice of seizure and sale and against whom this proceeding can be conducted contradictorily,

ISSUED not of appt
DATE NOV 14 1991
S/ MYRA LANDIX
Deputy Clerk

CODED

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Wherefore, plaintiff prays that an Attorney at Law be appointed by this Honorable Court to represent the absentee defendant, Roslyn Johnson, upon whom all legal notices and proceedings shall be served and against whom this proceeding shall be conducted contradictorily.

Daniel A. Oppenheim
Attorney for Plaintiff
116-G Terry Parkway
Gretna, Louisiana 70056
(504) 362-1982
Bar Roll No. 18005

ORDER

Considering the forgoing motion,

IT IS ORDERED by this court, that Robert G. Creely be appointed as Attorney at Law, to represent the absentee defendant, Roslyn Johnson upon whom all legal notices and proceedings shall be served; and that all proceedings against said defendant shall be conducted contradictorily against the aforesaid Attorney at Law as provided by law.

Gretna, Louisiana, this 5th day of November, 1991.

CODED

JUDGE

ON MINUTES
NOV 8 1991

PLEASE SERVE:

Roslyn Johnson
Through her Curator:

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 423366

DIV. A

DIV. JUDGE E. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

STANDARD MORTGAGE CORP

VS. *Plaintiff*

DOLORES GALINDO CONTRERAS (DOLORES GALINDO) WIFE OF/AND

FERNANDO CONTRERAS

Defendant

JAMES C. ARCENEAUX, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing SEPT. 25,1991 jff

3220

HP Exhibit 0189 (119)

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 423-366 DIVISION "A"

STANDARD MORTGAGE CORPORATION

VS.

DOLORES GALINDO CONTRERAS (DOLORES GALINDO),
WIFE OF/AND FERNANDO CONTRERAS

FILED: _____ _____
DEPUTY CLERK

SUPPLEMENTAL AND AMENDED PETITION

I.

Petitioner realleges and reaffirms all allegations contained in Paragraphs I through VIII of the original petition filed in these proceedings on September 25, 1991.

II.

Petitioner was informed and did believe that the defendants, Dolores Galindo, wife of/and Fernando Contreras, were living and residing at 3816 Deleware Ave., Kenner, La. and that acting on that information and belief, the petitioner requested that the said defendants be served at that address.

III.

The records of the Sheriff's Department of the Parish of Jefferson reflect that, in spite of diligent efforts, said Sheriff's Department has been unable to locate the defendants at the above mentioned address and has, therefore, been unable to serve the defendants. It has been determined that the defendants have left the state and are currently living and residing at 11425 Buell, Santa Fe, CA 90670, and accordingly, it will be necessary for this Court to appoint an attorney to represent the defendants in these proceedings.

WHEREFORE, petitioner prays that the Court appoint an attorney to represent the absent defendants, that he be served

ISSUED Not of appt
DATE OCT 22 1991
S/ MYRA LANDIX
DEPUTY CLERK

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AFFIDAVIT

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

JAMES C. ARCENEAUX, III

who, upon being first duly sworn, did depose and say;

That he is the attorney for Standard Mortgage Corporation; and, as such, is familiar with the account of the persons made defendants herein; that he has read the above and foregoing Supplemental And Amended Petition and that all of the facts and allegations therein contained are true and correct to the best of his knowledge, information and belief.

James C. Arceneaux
JAMES C. ARCENEAUX, III

SWORN TO AND SUBSCRIBED BEFORE ME THIS 9th DAY OF October, 1991.

Patricia R. Francis
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

C 1 0 2 3 9 1 0 2 6 1

ORDER

Let Robert Creely, Esq. be appointed as Curator-ad-Hoc to represent the absent defendants, Dolores Galindo, wife of/and Fernando Contreras.

Gretna, Louisiana
October 18, 1991

JUDGE

COPY

ON MINUTES
OCT 21 1991

PLEASE SERVE:
(1) COPY OF NOTICE OF APPOINTMENT
(2) COPY OF PETITION
(3) COPY OF SUPPLEMENTAL PETITION, AND
(4) NOTICE OF SEIZURE ON:

_____, Esq.
Curator-ad-Hoc to represent
the absent defendants
Dolores Galindo, wife
of/and Fernando Contreras
(NOTICE OF DEMAND WAIVED)

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

with copies of the notice appointing the curator, original petition, the supplemental and amended petition together with the notice of seizure.

GRAHAM & ARCENEAUX

BY: James C. Arceneaux III

JAMES C. ARCENEAUX, III
Bar Roll No. 2524
601 Poydras Street, Suite 2650
New Orleans, La. 70130
Phone: (504) 522-8256

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

423845

3225

DIV DIV. A
JUDGE
E. THOMAS PORTER, JR.

Nº 423845

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

LEADER FEDERAL BANK FOR SAVINGS

Plaintiff

VS.

CHUCK ANDY MAUER AND GIAVANNA SALTALAMACCHIA MAUER

Defendant

GEORGE B. DEAN, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing OCT. 7, 1991 cs

HP Exhibit 0189 (120)

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CODED

FILED FOR RECORD
OCT 7 9 35 AM '91
DY CLERK OF COURT
PARISH OF JEFFERSON

STATE OF LOUISIANA * PARISH OF JEFFERSON * 24TH DISTRICT COURT

* * *

LEADER FEDERAL BANK FOR SAVINGS FILED _____

VS. NO. 423-845

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

CODED

DEPUTY CLERK OF COURT

CHUCK ANDY MAUER
GIAVANNA SALTALAMACCHIA MAUER

PETITION FOR EXECUTORY PROCESS

The petition of LEADER FEDERAL BANK FOR SAVINGS, formerly known as Leader Federal Savings and Loan Association (Exhibit D), a banking organization authorized to do business in Jefferson Parish, Louisiana, respectfully represents:

1.

The defendants are CHUCK ANDY MAUER and GIAVANNA SALTALAMACCHIA MAUER, makers of the promissory note attached as Exhibit A, non-residents of the State of Louisiana.

2.

Defendants owe plaintiff principal of $57,601.61, interest thereon at 10.500% per annum from April 1, 1991, amounts due for taxes and insurance premiums at the rate of $104.84 per month from May 1, 1991, any additional amounts which plaintiff hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of 10% of all amounts due, and all costs.

3.

The indebtedness due plaintiff is represented and secured by the following authentic evidence:

(a) Original promissory note paraphed for identification with the act of mortgage and/or privilege (Exhibit A);

(b) Certified copy of act of mortgage and/or privilege importing a confession of judgment (Exhibit B);

(c) Original of Notarial Endorsement and Assignment of Mortgage Note (Exhibit C).

4.

Plaintiff enjoys the benefit of the following:

OCT 17 1991
file note & mortgage in vault

not of appt

CODED

OCT 17 1991
S/ MYRA LANDIX
Deputy Clerk

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(a) Confession of judgment;
(b) Pact de non alienando;
(c) Waiver of appraisement;
(d) Waiver of demand for payment;
(e) Waiver of homestead exemption;
(f) Right to accelerate for nonpayment.

5.

The defendants defaulted on (breached) the note and mortgage by failing to pay, when due, the monthly installment for May 1, 1991, and defendants remained in default by thereafter failing to pay, in full, such installment and all successive monthly installments and other amounts due on the note and mortgage before plaintiff accelerated the entire indebtedness represented by the note and mortgage which entire indebtedness remains unpaid.

6.

Defendants are not entitled to the benefit of the Soldiers & Sailors Civil Relief Act of 1940.

7.

Plaintiff is entitled to enforce its mortgage and/or privilege on the following described property in an executory proceeding, to-wit:

THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that subdivision thereof known as WESTMINSTER PARK EXTENSION NO. 2 SUBDIVISION, as shown on a survey of J. J. Krebs & Sons, Inc., C.E. & S., dated October 30, 1978, approved by the Jefferson Parish Council under Ordinance No. 13781, adopted on March 7, 1979, registered in COB 952, folio 429, and also according to the survey of J. J. Krebs & Sons, Inc., dated December 9, 1981, resurveyed February 16, 1982, resurveyed June 30, 1982. LOT 14, SQUARE 12, which said square is bounded by Runnymede Drive, Westminster Park Subdivision (side), Burnley Drive (side), Parcel C-2, and Westwood Drive. Lot No. 14 commences at a distance of 441.88 feet from the intersection of Runnymede Drive and Westwood Drive and measures thence 60 feet front on Runnymede Drive, same width in the rear, by depths of 100 feet on each side line. All as more fully shown on survey by Dading, Marques & Associates, Inc., dated January 14th, 1988; subject to restrictions, servitudes, rights-of-way and outstanding mineral rights of record affecting the property.

0219100001

The defendants, CHUCK ANDY MAUER and GIAVANNA SALTALAMACCHIA MAUER, are "absentees" as defined by Louisiana Code of Civil Procedure Article 5251(1) because, without limitation, they are non-residents of the State of Louisiana and/or if dead their heirs are unknown. Their last known address is: P. O. Box 397, Louisville, Mississippi 39339. Therefore, an attorney at law should be appointed to represent said defendants upon whom service of seizure and any other required services might be made.

WHEREFORE, PLAINTIFF PRAYS that:

I. A writ of seizure and sale issue to sell the property described in Paragraph 7 above WITHOUT appraisal and from the proceeds thereof to pay the amount owed plaintiff, to-wit: $57,601.61, interest thereon at 10.500% per annum from April 1, 1991, amounts due for taxes and insurance premiums at the rate of $104.84 per month from May 1, 1991, any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of 10% of all amounts due, and all costs hereof and

II. The Clerk issue the writ of seizure and sale immediately.

III. An attorney at law be appointed as Curator ad Hoc upon whom service of seizure and any other required services might be made.

THOMPSON, SPARKS, DEAN & MORRIS
1401 Royal Avenue
P. O. Box 2867
Monroe, Louisiana 71207-2867
(318)388-1440

BY: _____
George B. Dean, Jr. (#4764)

ATTORNEYS FOR PLAINTIFF

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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PLEASE SERVE DEFENDANTS through the court appointed attorney; they are non-residents of the State of Louisiana. Their last known address is: P. O. Box 397, Louisville, Mississippi 39339.

This is the property address: 7201 Runnymede Drive
Marrero, LA 70072

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, the undersigned authority, personally came and appeared GEORGE B. DEAN, JR., who, being by me first duly sworn, deposed and said that he is the attorney for petitioner herein and that the allegations of fact contained herein are true and correct to the best of his knowledge, information and belief.

George B. Dean, Jr.

SWORN TO AND SUBSCRIBED
before me this 4th day
of October, 1991.

Notary Public

ORDER

Considering plaintiff's petition and the exhibits and finding that plaintiff is entitled hereto,

IT IS ORDERED that a writ of seizure and sale issue commanding the Sheriff to seize and sell the property described in Paragraph 7 of the petition affected by the mortgage and/or privilege as prayed for and according to the law.

IT IS ORDERED that Robert H. Curry, Attorney at Law, be appointed as Curator ad Hoc upon whom service of notice and any other required services might be made.

Gretna, Louisiana, this 9th day of October, 1991.

CODED

Judge, 24th Judicial District

OCT 15 1991
ON MINUTES

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 423933

DIV DIV. A
JUDGE
C. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

MOHAMMAD JAWAID

Plaintiff

VS.

ASKARI AAMIR

Defendant

MOHAMMAD JAWAID
(IN PROPER PERSON) *Attorney for Plaintiff*

Attorney for Defendant

Date of Filing OCT. 8, 1991 cs

HP Exhibit 0189 (121)

3230

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 423-933 DIVISION "A"

MOHAMMAD JAWAID

VERSUS

ASKARI AAMIR

FILED: _____ DEPUTY CLERK

'91 NOV 19 AM 10 56

FILED FOR RECORD

DEPUTY CLERK PARISH OF JEFFERSON, LA

CODED

MOTION FOR APPOINTMENT OF CURATOR

NOW INTO COURT, through undersigned counsel, comes Mohammad Jawaid, plaintiff in the above entitled and numbered proceeding, who respectfully represents:

I.

Plaintiff filed the original Petition herein on October 8, 1991, and requested that service be made upon defendant, Askari Aamir, at his place of residence, 4089 Division Street, Metairie, Louisiana.

II.

The citation issued in these proceedings on October 9, 1991, has been returned by the sheriff marked "not at this address per tenant".

III.

Upon information and belief, plaintiff represents that the defendant in this suit has his legal domicile in this parish and state but has no agent or other legal representative in this parish and that the sheriff of this parish has made a due and diligent to serve defendant at the last known address in this parish.

WHEREFORE, plaintiff prays that a curator be appointed to represent the absent defendant; that he or she be served with a copy of the Petition filed herein and duly cited to appear and answer it and that after due proceedings had there be judgment in favor of plaintiff and against the defendant, as originally prayed for herein.

ISSUED cit & orig pet w/ sat & appt

DATE DEC 10 1991

S/ MYRA LANDRY Deputy Clerk

C I 2 1 1 9 1 0 2 3 5 1

Respectfully submitted,

ANNE T. TURISSINI LA. BAR #15060
ATTORNEY FOR PLAINTIFF
2802 Tulane Avenue, Suite 101
New Orleans, Louisiana 70119
Telephone: 822-1042

ORDER

Considering the foregoing Motion,

IT IS ORDERED that Robert D. Curly be appointed as curator to represent the defendant in these proceedings and that he or she be served with citation and copy of the Petition filed herein.

Gretna, Louisiana, this 10th day of December, 1991.

CODED

JUDGE

11/19/91

CODED

ON MINUTES DEC 10 1991

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A

JUDGE

DIV E. THOMAS PORTEOUS, JR.

Nº 424264

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

SECURITY INDUSTRIAL INSURANCE CO.

Plaintiff

VS.

JAMES H. QUEYROUZE AND GAYLE FREIDENBERG QUEYROUZE

Defendant

O'NEIL J. PARENTON, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing OCT. 16, 1991 cs

3233

HP Exhibit 0189 (122)

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SECURITY INDUSTRIAL INSURANCE COMPANY

VERSUS NO.: 424-264 A P1

JAMES J. QUEYROUZE and GAYLE FREIDENBERG QUEYROUZE

FILED:_____

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

_____ DY. CLERK

FILED ... 92 APR 15 PM 3 56 DEPUTY CLERK PARISH OF JEFFERSON, LA.

****

MOTION AND ORDER FOR AN APPOINTMENT OF CURATOR AD HOC

****

On the motion of SECURITY INDUSTRIAL INSURANCE COMPANY, judgement creditor herein, and on suggesting to the Court:

1.

The mover is a judgment creditor of the judgment debtors, JAMES J. QUEYROUZE and GAYLE FREIDENBERG QUEYROUZE by judgment dated and signed on January 15, 1992, said judgment further recognizing the mover's mortgage on the property described herein. By issuance of a Writ of Fieri Facias, the Sheriff of the Parish of Jefferson, State of Louisiana, has constructively seized the following described property:

> ONE CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in the City of Kenner, in Section Number One of CHATEAU ESTATES SOUTH, in SQUARE NUMBER TWO, bounded by CHATEAU ROTHCHILD DRIVE, CHATEAU TALBOT DRIVE, FORTY-FIRST STREET, CHATEAU BOULEVARD and CHATEAU MOUTON ROTHCHILD DRIVE, designated as LOT NUMBER THIRTY-EIGHT on a survey made by J. J. Krebs & Sons, Inc., Surveyors, dated August 6, 1977, a copy of which is annexed to act passed before Margaret Gaudin, Notary Public, dated September 23, 1977 and registered in C.O.B. 907 folio 62, and, according to which, said lot commences at a distance of six hundred and twelve and forty-six one-hundredths feet from the corner of Chateau Rothchild Drive and Chateau Mouton Rothchild Drive, and measures thence seventy-six and thirty-five one-hundredths feet front on Chateau Rothchild Drive, has a width in the rear of seventy-four and two one-hundredths feet, by a depth between equal and parallel lines of one hundred and twenty-five feet.

ISSUED Not of appt

DATE APR 16 1992

S/ MYRA LANDIX

Deputy Clerk

CODED

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And as further described in Survey of J. J. Krebs & Sons, Inc., Surveyors, dated August 6, 1977 and staked November 1, 1977, a copy of which is annexed hereto and made a part hereof.

Being the same property acquired by Mr. and Mrs. James H. Queyrouze from Mr. and Mrs. Victor Edward Babin, Jr., by an Act passed before Philip Schoen Brooks, Notary Public, dated October 19th, 1978, and registered in C.O.B. 941 folio 330.

The above described property is subject to (1) the building restrictions created by an act passed before Martin O. Miller, II, Notary Public, dated March 27, 1972, registered in Conveyance Office Book 758, folio 255, and in another act passed before the same Notary, on March 1, 1973, registered in Conveyance Office Book 787, folio 775, amended by an act passed before the same Notary on June 5, 1973, registered in Conveyance Office Book 791, folio 554, amended by another act passed before the same Notary on September 12, 1972, registered in Conveyance Office Book 791, folio 987, and further amended by an act passed before the same Notary, on August 2, 1973, registered in Conveyance Office Book 796, folio 760; and (2) a servitude over the rear five feet reserved for utility purposes.

2.

Notice of Issue of Seizure was issued on April 3, 1992 and service was attempted on April 7, 1991 with the return providing the officer was unable to serve the judgment creditors, due to the fact the judgment creditors have moved from the property.

3.

The mover has been advised of such and has verified such with the Sheriff's Office on the East Bank of Jefferson Parish. Mover was further advised that the return was mailed this date, but would probably not be filed until next week. Mover desires that, based on the information provided by the Sheriff's Office, that an attorney be appointed to accept notice of seizure in accordance with La. Code of Civil Procedure 2293(b).

By Attorneys,

TALBOT, SOTILE, CARMOUCHE,
MARCHAND & MARCELLO
A Professional Law Corporation
P.O. Drawer 669
Donaldsonville, LA 70346
Tele: (504) 473-3811

BY: _____
O'NEIL J. PARENTON, JR.

0 4 2 2 9 2 0 3 6 1 2

ORDER

Considering the foregoing,

IT IS HEREBY ORDER that Robert D. H. Crosby is appointed curator ad hoc, to accept notice of seizure on the property described herein in accordance with La.CCP 2293(b), and to perform all acts required by law.

SIGNED this 15th day of April, 1992, at Gretna, Louisiana.

JUDGE

4-15-, 1992

200.00

CODED

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
E. THOMAS PORTEOUS, JR.

DIV

Nº 424288

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

RESOLUTION TRUST CORPORATIONS RECEIVER FOR ENTERPRISE FEDERAL SAVINGS AND LOAN ASSOCIATION

Plaintiff

vs.

JEANETTA BECKER WIFE OF/AND KENNETH G. O'FLYNN

Defendant

DENNIS H. CARRIERE

Attorney for Plaintiff

Attorney for Defendant

Date of Filing OCT. 16, 1991 cs

3237

HP Exhibit 0189 (123)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 424-288 DIVISION " A " DOCKET NO.

MORTGAGE PROPERTIES CORPORATION

VERSUS

JEANETTA BECKER, wife of/and KENNETH O'FLYNN

FILED FOR RECORD MAY 25 PM 1 48 PARISH OF JEFFERSON DEPUTY CLERK

CODED

FILED: _____ DEPUTY CLERK

MOTION TO APPOINT CURATOR AD HOC

On motion of the plaintiff herein, by virtue of undersigned counsel, has exercised due diligence to serve the defendants', Jeanetta Becker, wife of/and Kenneth O'Flynn without success and should be deemed absentee defendants. Therefore, mover respectfully requests that a curator ad hoc be appointed herein to represent the absentee defendants'.

Respectfully submitted,

CAROL A. NEWMAN
Mover
Bar Roll No. 14266

ORDER APPOINTING CURATOR AD HOC

Considering the allegations of the Petition for Executory Process filed in this proceedings, the exhibits attached thereto and the Motion herein; Robert F. Cicero, Esq. an Attorney at Law, is appointed to represent the absentee defendants' in this proceeding; and IT IS ORDERED that a writ of seizure and sale be issued herein forthwith, as prayed for and according to law.

Gretna, Louisiana, this 26th day of May, 1993.

CODED ON MINUTES MAY 27 1993

JUDGE

ISSUED MAY 27 1993

S/ MIRA LANDIX
Deputy Clerk

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

CODED DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
S. THOMAS PORTEGUS, JR.

DIV

Nº 424427

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

ANCHOR SAVINGS BANK, FSB, FORMERLY KNOWN AS SUBURBAN COASTAL CORPORATION

Plaintiff

vs.

VICKI LYNN BROWN AND RANDY R. O'NEAL, HELEN HARPER LOVELESS, WIFE OF/AND RICHARD S. LOVELESS

Defendant

IRA J. MIDDLEBERG

Attorney for Plaintiff

Attorney for Defendant

Date of Filing OCT. 18, 1991 cs

3239

10249103306

HP Exhibit 0189 (124)

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CODED

AMSI 0007-0188 / LOAN NO. 066829-3

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

NO. 424.427 DIVISION "

FILED FOR RECORD

ANCHOR SAVINGS BANK, FSB, formerly known as
SUBURBAN COASTAL CORPORATION

VERSUS

VICKI LYNN BROWN AND RANDY R. O'NEAL
HELEN HARPER LOVELESS, WIFE OF/AND RICHARD S. LOVELESS

OCT 24 1991 file note + mortgage in vault

PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

The petition of **ANCHOR SAVINGS BANK, FSB, formerly known as SUBURBAN COASTAL CORPORATION,** a corporation organized under the laws of the State of New Jersey, and authorized to do and doing business in the Parish of Jefferson, State of Louisiana, with respect represents that:

1.

Defendants, Randy R. O'Neal, Helen Harper Loveless and Richard S. Loveless are persons of the full age of majority and residents of and domiciled in the Parish of Jefferson, State of Louisiana.

Defendant, Vicki L. Brown is a person of the full age of majority who is a non-resident of the State of Louisiana; whose last known mailing address is 129 Main Street, Delhi, New York 13753.

2.

The defendants are jointly, severally and solidarily liable unto petitioner for the following reasons:

CODED

ISSUED 4 not of demand not of appt.

DATE OCT 24 1991

S/ MYRA LANDIX
Deputy Clerk

1 0 2 9 9 1 0 3 3 0 8

3.

Petitioner is the holder and owner in due course for valuable consideration and before maturity of a certain promissory note executed by Vicki Lynn Brown and Randy R. O'Neal, payable to the order of "Suburban Coastal Corp", in the principal sum of FIFTY-EIGHT THOUSAND SEVEN HUNDRED AND NO/100 ($58,700.00) DOLLARS, dated March 6, 1981, payable in monthly installments, including principal and interest, beginning April 1, 1981 and on the first day of each month thereafter until principal and interest are fully paid, the last monthly payment, if not sooner paid, being due and payable on June 1, 2007, and which note bears interest at the rate of 10.250% per annum on the unpaid balance from date, and which note was paraphed "Ne Varietur" for identification with and secured by an Act of Mortgage, dated March 6, 1981, passed before Eric Oliver Person, Notary Public and two witnesses and recorded in Registry No. 952876, MOB 818, folio 215, acquired at COB 1000, folio 69, of the official records for the Parish of Jefferson, State of Louisiana. The original of said note is attached hereto and made a part hereof and marked "P-1" for identification. A certified true copy of the Act of Mortgage is attached hereto and made a part hereof and marked "P-2" for identification.

4.

The aforesaid mortgage was amended to reflect the correct date, by Notarial Act of Correction, dated September 25, 1991, executed by Eric Oliver Person, passed before Kristi A. Post, Notary Public and two witnesses, which Act of Corrections was recorded at Instrument No. 9143244 of the oficial records of the Parish of Orleans, State of Louisiana. A certified true copy of the Act of Corrections is attached hereto, made a part hereof and marked "P-3" for identification.

5.

Further, plaintiff avers that is the holder of aforesaid note, regardless of the participation endorsement mistakenly placed in the reverse of said note by Suburban Coasta Corporation, as is shown more fully in that

0 2 9 9 1 0 3 3 0 9

certain Act of Ratification and Cancellation of Endorsement of Note executed by Anchor Savings Bank, FSB, formerly known as Suburban Coastal Corporation on October 10, 1991, in authentic form, passed before Daniel J. Perrotta, Notary Public and two competent witnesses, the original of which document is attached hereto, made a part hereof, and marked "P-4" for identification.

6.

Helen Harper Loveless and Richard S. Loveless did assume the indebtedness evidenced by the aforesaid note and acquired the property described hereinbelow from Vicki L. Brown and Randy R. O'Neal, by Act of Sale and Assumption dated August 21, 1981, and passed before Eric Oliver Person, Notary Public, and two witnesses and which Act of Sale and Assumption was duly recorded in COB 1011, folio 457, MOB 832, folio 972, Registry No. 984650 of the official records for the Parish of Jefferson, State of Louisiana. A certified true copy of the Act of Sale and Assumption is attached hereto and made a part hereof and marked "P-5" for identification.

5.

By virtue of the aforementioned act(s), defendants did specially mortgage, affect and hypothecate unto and in favor of your petitioner, and any other holder or holders of said note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

> THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in that part thereof known as TERRYTOWN SUBDIVISION, SECTION 2 and 2A, and designated as LOT 2, SQUARE 5. Said lot is bounded by Amapola Circle, Holmes Blvd., Athena Avenue and Adonis Way. Said lot commence at a distance of 80 feet from the corner of Amapola Circle and Adonis Way and measures thence 60 feet front on Amapola Circle by a first width in the rear of 36.06 feet to a point and thence a second width in the rear of 36.06 feet by a depth of 98 feet on each side line, all in accordance with a survey by Gilbert, Kelly & Couturie, Inc., dated February 7, 1981.
>
> Improvements thereon bear Municipal Number 103 **AMAPOLA CIRCLE, GRETNA, LOUISIANA.**

6.

By virtue of the act referred to in Paragraph 3 hereinabove, defendants confessed judgment upon the note, and consented that if the same was not paid in accordance with the terms and stipulations of said note and the aforesaid act(s), the property might be seized and sold under executory process, for cash and with appraisement.

7.

The defendants have failed to pay the installment due April 1, 1991 and all subsequent installments due under said note.

8.

Defendants are therefore in default under the terms and conditions of the aforesaid note and act(s).

9.

Therefore, ANCHOR SAVINGS BANK, FSB, formerly SUBURBAN COASTAL CORPORATION, has exercised its right of acceleration as the holder of the aforesaid note and declares the entire balance of said note due and payable, which balance consists of unpaid principal in the amount of $50,993.43, interest at the rate of 10.25% per annum from March 1, 1991, until paid, together with 15% per cent upon said principal and interest, as attorney's fees, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

10.

By virtue of the terms of the aforementioned note and act(s) defendants agreed to pay attorney's fee equal to 15% of the amounts due under said note for the attorney at law who might be employed to institute proceedings to recover the amounts due under said note.

0 2 9 9 1 0 3 3

11.

This Court has jurisdiction over the property affected and encumbered by the act described in Paragraph 3 hereinabove; but because defendant, Vicki L. Brown is an absentee who cannot be served personally with process, an attorney at law should be appointed to represent her.

12.

Amicable demand has been made to no avail. Copies of demand letters are attached hereto and marked "P- " for identification.

WHEREFORE, the premises annexed and documents considered, petitioner prays for an order of executory process herein, that after notice of demand for payment, and that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and with appraisement, to pay and satisfy the claim of your petitioner in the principal sum of $50,993.43, with interest at the rate of 10.25% per annum from March 1, 1991 until paid, together with 15% per cent upon said principal and interest, as attorney's fees, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

Petitioner further prays that out of the proceeds of the sale, it be paid in preference and priority over all other persons and entities.

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Petitioner further prays that an attorney at law be appointed to represent the absent defendant in this proceeding.

MIDDLEBERG, RIDDLE & GIANNA
201 ST. CHARLES AVENUE - 31ST FLOOR
NEW ORLEANS, LOUISIANA 70170-3100
TELEPHONE: (504) 525-7200
ATTENTION: FORECLOSURE DEPARTMENT

IRA J. MIDDLEBERG
BAR NO. 9640

PLEASE SERVE DEMAND FOR PAYMENT ON:

VICKI LYNN BROWN
THROUGH COURT APPOINTED COUNSEL

RANDY R. O'NEAL
4400 DAUPHINE STREET
NEW ORLEANS, LOUISIANA 70146

HELEN HARPER LOVELESS
RICHARD S. LOVELESS
103 AMAPOLA CIRCLE
GRETNA, LOUISIANA 70053

ORDER

CONSIDERING THE FOREGOING,

LET executory process issue herein as prayed for and according to law.

FURTHER, LET Robert L. Creely, attorney at law, be appointed to represent the absent defendant, Vicki L. Brown, in this proceeding.

GRETNA, LOUISIANA, this 23rd day of October, 1991.

ON MINUTES
OCT 24 1991

JUDGE

CODED

COPIED

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

3246

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DIV. A
JUDGE
E. THOMAS PORTEGUS, JR.

DIV

Nº 424729

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

AMSOUTH MORTGAGE COMPANY, INC.

Plaintiff

VS.

JOHN FORREST STEPHENSON AND BARBARA POWELL STEPHENSON

Defendant

JANE FAIA MENTZ

Attorney for Plaintiff

Attorney for Defendant

Date of Filing OCT. 25, 1991 cs

HP Exhibit 0189 (125)

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91-0604

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 424-729 DIVISION "A"

AMSOUTH MORTGAGE COMPANY, INC.

VERSUS

JOHN FORREST STEPHENSON

AND

BARBARA POWELL STEPHENSON

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of AmSouth Mortgage Company, Inc., through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant, Barbara Powell Stephenson, is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant, and accordingly, defendant cannot be found and served, and diligent effort has been made to locate said defendant.

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant, Barbara Powell Stephenson.

IT IS ORDERED BY THE COURT, that Robert Creely attorney at law be and he is hereby appointed curator ad hoc for defendant Barbara Powell Stephenson, in these proceedings and that

ISSUED not to appear
DATE JAN 15 1992
S/ MYRA LANDOX
Deputy Clerk

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a Writ of Seizure and Sale issue herein, and be served upon said attorney at law.

Gretna, Louisiana, this 9th day of January, 19 92

ON MINUTES

JAN 13 1992

JUDGE

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: Stacy C. Wheat

JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
STACY C. WHEAT
Louisiana Bar Roll No. 19826
Attorneys for Plaintiff
3850 N. Causeway Blvd., Suite 710
Metairie, LA 70002
(504) 831-7726

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

DIV

Nº 425730

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

STANDARD MORTGAGE CORPORATION

Plaintiff

VS.

RITA HUDSON, DIVORCED WIFE OF JOHN BOYKIN, NOW WIFE OF/AND FREDERICK L. WHIGHAM

Defendant

JAMES C. ARCENEAUX, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing NOV. 19, 1991 cs

HP Exhibit 0189 (127)

3249

P1

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 425-730 DIVISION "A"

STANDARD MORTGAGE CORPORATION

VS.

RITA HUDSON, DIVORCED WIFE OF JOHN BOYKIN,
NOW WIFE OF/AND FREDERICK L. WHIGHAM

FILED: _____ _____
DEPUTY CLERK

FILED 92 JAN 17 AM 11 51 DEPUTY CLERK PARISH OF JEFFERSON, LA. CODED

SUPPLEMENTAL AND AMENDED PETITION

I.

Petitioner realleges and reaffirms all allegations contained in Paragraphs I through VI of the original petition filed in these proceedings on November 18, 1991.

II.

Petitioner was informed and did believe that the defendants, Rita Hudson, wife of/and Frederick L. Wigham, were living and residing at 600 Yetta Ave., Harvey, La. 70058 and that acting on that information and belief, the petitioner requested that the said defendants be served at that address.

III.

The records of the Sheriff's Department of the Parish of Jefferson reflect that, in spite of diligent efforts, said Sheriff's Department has been unable to locate the defendants at the above mentioned address and has, therefore, been unable to serve the defendant. A certified letter sent to the defendants at 600 Yetta Avenue, Harvey, La. was forwarded to them at 5680 N. Highway 20 #9, Oak Harbor, Washington 98277. Accordingly, since the defendants are living out of state, it will be necessary for this Court to appoint an attorney to represent the defendants in these proceedings.

WHEREFORE, petitioner prays that the Court appoint an

ISSUED Not of appt
DATE JAN 21 1992
S/ MYRA LANDIX
Deputy Clerk
CODED

attorney to represent the absent defendants, Rita Hudson, wife of/and Frederick L. Whigham, that he be served with copies of the notice appointing the curator, original petition, the supplemental and amended petition together with the notice of seizure.

GRAHAM & ARCENEAUX

BY: James C. Arceneaux III

JAMES C. ARCENEAUX, III
Bar Roll No. 2524
601 Poydras Street, Suite 2650
New Orleans, La. 70130
Phone: (504) 522-8256

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

01239202695

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

JAMES C. ARCENEAUX, III

who, upon being first duly sworn, did depose and say;

That he is the attorney for Standard Mortgage Corporation; and, as such, is familiar with the account of the persons made defendants herein; that he has read the above and foregoing Supplemental And Amended Petition and that all of the facts and allegations therein contained are true and correct to the best of his knowledge, information and belief.

James C. Arceneaux III
JAMES C. ARCENEAUX, III

SWORN TO AND SUBSCRIBED BEFORE ME THIS 13th DAY OF January, 1992.

Patricia R. Francis
NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

0 1 2 5 9 2 0 2 0

ORDER

Let Robert G. Creely, Esq. be appointed as Curator-ad-Hoc to represent the absent defendants, Rita Hudson, wife of/and Frederick L. Whigham.

Gretna, Louisiana
January 15, 1992

CODED

JUDGE

ON MINUTES
JAN 16 1992

PLEASE SERVE:
(1) COPY OF NOTICE OF APPOINTMENT
(2) COPY OF PETITION
(3) COPY OF SUPPLEMENTAL PETITION, AND
(4) NOTICE OF SEIZURE ON:

Robert G. Creely, Esq.
Curator-ad-Hoc to represent
the absent defendants
Rita Hudson, wife of/and
Frederick L. Whigham
(NOTICE OF DEMAND WAIVED)
901 Derbigny Street
Gretna, La 70053

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
DIV. A. THOMAS PORTEOUS, JR.

№ 410458

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

JEFFERSON SAVINGS & LOAN ASSOCIATION

Plaintiff

VS.

PAULA BONNECARRERE, WIFE OF/AND JAMES C. CALLAHAN, SR.

Defendant

WARREN E. MOULEXEDOUX, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing DECEMBER 26, 1991 JL

3254

HP Exhibit 0189 (130)

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P01

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 410-458 DIVISION "A"

JEFFERSON SAVINGS & LOAN ASSOCIATION

VERSUS

PAULA BONNECARRERE, wife of/and
JAMES C. CALLAHAN, SR.

FILED: _____ _____
DEPUTY CLERK

FILED FOR RECORD
'91 APR 24 PM 3 00
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

CODED-11

SUPPLEMENTAL AND AMENDING
PETITION FOR EXECUTORY PROCESS

NOW INTO COURT, through undersigned counsel, comes JEFFERSON SAVINGS & LOAN ASSOCIATION, plaintiff in the above entitled and numbered cause, who desires to supplement and amend its original Petition For Executory Process, filed herein on the 26th day of December, 1990, in the following respects:

I.

By adding Paragraph 15 to the original Petition to read as follows:

15.

As shown on the due and diligence return filed of record herein, the mortgagors, Paula Bonnecarrere, wife of/and James C. Callahan, Sr., though they be domiciled or actually present in the state, cannot be found and served after a diligent effort. Therefore, they are absentees under Louisiana Code of Civil Procedure, Article 5251, and it will be necessary to appoint an attorney at law to represent them pursuant to the provisions of Louisiana Code of Civil Procedure, Article 5091.

II.

By amending the prayer of the original Petition to include the following:

Petitioner further prays that an attorney at law be appointed to represent the absentees, Paula Bonnecarrere, wife of/and James C. Callahan, Sr.

WHEREFORE, petitioner, reiterating the prayer of its original petition as though set forth at length herein, prays

ISSUED not of appt
DATE MAY 0 1 1991
S/ MYRA LANDIX
Deputy Clerk

CODED

that its original petition be supplemented and amended in the above particulars and that, after due proceedings had, there be judgment herein in favor of the petitioner, Jefferson Savings & Loan Association and against the defendants, Paula Bonnecarrere, wife of/and James C. Callahan, Sr., as originally prayed for herein.

HALL, LENTINI, MOULEDOUX
& WIMBERLY

WARREN E. MOULEDOUX, JR., NO. 9782
Attorney for Petitioner
2551 Metairie Road
Metairie, Louisiana 70001
Telephone: (504) 838-8777

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 410-458 DIVISION "A"

JEFFERSON SAVINGS & LOAN ASSOCIATION

VERSUS

PAULA BONNECARRERE, wife of/and
JAMES C. CALLAHAN, SR.

FILED FOR RECORD
'91 APR 24 PM 3 00
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

CODED

FILED: _____ _____
DEPUTY CLERK

VERIFICATION

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared: RAYMOND S. MONTALBANO, of lawful age, who, after being by me first duly sworn, did depose and say:

That he is the Vice President of Jefferson Savings & Loan Association, the petitioner in the above and foregoing petition; that he has read the same and re-avers all facts contained therein as if said facts were reproduced in full. Furthermore, to the best of his knowledge and belief, the allegations therein contained are true and correct.

Raymond S. Montalbano
RAYMOND S. MONTALBANO,
Vice-President
Jefferson Savings & Loan Association

Sworn to and subscribed before me, Notary, this 23 day of April, 1991.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 410-458 DIVISION "A"

JEFFERSON SAVINGS & LOAN ASSOCIATION

VERSUS

PAULA BONNECARRERE, wife of/and
JAMES C. CALLAHAN, SR.

FILED: _____ _____
DEPUTY CLERK

ORDER

Considering the above and foregoing;

LET the foregoing Supplemental and Amending Petition for Executory Process be filed as prayed for; and

LET Robert D. Creely, Attorney at Law, be appointed to represent the absentees, Paula Bonnecarrere, wife of/and James C. Callahan, Sr., in accordance with Louisiana Code of Civil Procedure, Article 5091.

Gretna, Louisiana, this 29th day of April, 1991.

SIGNED

J U D G E

PLEASE SERVE NOTICE OF SEIZURE
Personally on Attorney at Law
Appointed to Represent that Absentees:
PAULA BONNECARRERE CALLAHAN
and JAMES C. CALLAHAN, SR.

ON MINUTES
APR 30 1991

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A

DIV JUDGE E. THOMAS PORTEOUS, JR.

№ 427449

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

GENERAL MOTORS ACCEPTANCE CORPORATION

Plaintiff

vs.

DEBORAH L. BOWLES

Defendant

ARTHUR S. MANN, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JAN. 6, 1992 cs

3259

HP Exhibit 0189 (131)

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92-0223

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO.: 427-449 DIVISION "A"

GENERAL MOTORS ACCEPTANCE CORPORATION

VERSUS

DEBORAH L. BOWLES

FILED: _____ _____
DEPUTY CLERK

'92 MAR 13 AM 9 37
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

MOTION TO APPOINT ATTORNEY TO
REPRESENT ABSENT DEFENDANT

ON MOTION OF General Motors Acceptance Corporation, through its undersigned counsel, and on suggesting and showing to the Court that, upon information and belief, the defendant herein, Deborah L. Bowles, has departed from the jurisdiction of this Court and that the Sheriff for the Parish of Jefferson has been unable to locate said defendant after due and diligent search and that, accordingly, it is necessary that an attorney at law be appointed to represent the absent defendant herein pursuant to Louisiana Code of Civil Procedure and be served with a notice of seizure and to appoint an appraiser herein.

IT IS ORDERED that Robert G. Creely, Attorney at Law, be and is hereby appointed to represent the absent defendant herein and be served with a notice of seizure and to appoint an appraiser.

GRETNA, LOUISIANA, this 13th day of March, 1992.

J U D G E

CODED 2

ON MINUTES
MAR 16 1992

By its attorneys,

BERRIGAN, DANIELSON, LITCHFIELD,
OLSEN, SCHONEKAS & MANN

BY: _____
ARTHUR S. MANN, III, NO. 9094
2150 Energy Centre
1100 Poydras Street
New Orleans, LA 70163-2150
(504) 568-0541

PLEASE SERVE NOTICE OF APPOINTMENT, NOTICE OF SEIZURE AND TO APPOINT APPRAISER ON CURATOR-AD-HOC NAMED HEREIN.

ISSUED 1st of appt
DATE APR 09 1992
S/ MYRA LANDIX
Deputy Clerk

CODED

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

NO 427506

DIV A

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

SECURITY NATIONAL #4, A LIMITED PARTNERSHIP

Plaintiff

vs.

WORLDWIDE WAREHOUSE CO., INC. AND ROBERT O.KLEIN

Defendant

JACK J. MENDHEIM

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JAN. 7, 1992 cs

HP Exhibit 0189 (132)

SECURITY NATIONAL #4,
A LIMITED PARTNERSHIP

VERSUS

WORLDWIDE WAREHOUSING CO., INC.
AND ROBERT O. KLEIN

SUIT NO. 42-506 DIV. "A"

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

CODED

DATE FILED

DEPUTY CLERK

MOTION TO APPOINT CURATOR

NOW INTO COURT, through its undersigned counsel comes Security National #4, A Limited Partnership, herein represented by Security National Inc. of Alaska, its General Partner, plaintiff in the above entitled and number proceedings and respectfully represents:

I.

Plaintiff has been notified that the Sheriff has been unable to make service on the defendant(s), Worldwide Warehousing Co., Inc. and Robert O. Klein. Petitioner desires and is entitled to have an attorney at law practicing before this Court appointed to represent the absentee defendant(s) under LSA-C.C.P. art. 5091, et seq.

WHEREFORE, plaintiff prays that an attorney at law be appointed to represent the defendant(s), Worldwide Warehousing Co., Inc. and Robert O. Klein.

Respectfully submitted:

JACK J. MENDHEIM, Bar #9431
Attorney at Law
11911 Justice Ave.
P. O. Box 86359
Baton Rouge, LA 70879-6359
(504) 293-0095

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

ISSUED Not of appt

DATE FEB 28 1992

S/ MYRA LANDIX
Deputy Clerk

CODED

NO 427682

DIV

DIV. A
JUDGE
THOMAS PORTEGUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Plaintiff

vs.

MICHAEL L. KOSTERLITZ

Defendant

GEORGE B. DEAN, JR.

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JAN. 10,1992 cs

HP Exhibit 0189 (133)

3263

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CODED

DIV. A
JUDGE
E. THERIS PORTEOUS, JR.

STATE OF LOUISIANA * PARISH OF JEFFERSON * 24TH DISTRICT COURT

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VS. NO. 427-682

MICHAEL L. KOSTERLITZ

FILED _____

DEPUTY CLERK OF COURT

FILED FOR RECORD JAN 10 10 39 AM '92 CLERK OF COURT PARISH OF JEFFERSON LA

CODED

PETITION FOR EXECUTORY PROCESS

The petition of FEDERAL NATIONAL MORTGAGE ASSOCIATION, a corporation organized and existing under the laws of the United States, having its principal office in the city of Washington, D.C., authorized to do business in Jefferson Parish, Louisiana, respectfully represents:

1.

The defendant is MICHAEL L. KOSTERLITZ, maker of the promissory note attached as Exhibit A, non-resident of the State of Louisiana.

2.

Defendant owes plaintiff principal of $71,665.57, interest thereon at 9.625% per annum from July 1, 1991, amounts due for taxes and insurance premiums at the rate of $132.67 per month from August 1, 1991, any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of a reasonable amount of all amounts due, subject to a credit of $571.64, and all costs.

3.

The indebtedness due plaintiff is represented and secured by the following authentic evidence:

(a) Original promissory note paraphed for identification with the act of mortgage and/or privilege (Exhibit A);

(b) Certified copy of act of mortgage and/or privilege importing a confession of judgment (Exhibit B);

(c) Original of Notarial Act of Endorsement and Assignment of Mortgage Note (Exhibit C);

(d) Copy of Loan Conversion Registration (Exhibit D).

CODED

JAN 17 1992

S/ DEBRA LANDIX
Deputy Clerk

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4.

Plaintiff enjoys the benefit of the following:

(a) Confession of judgment;
(b) Pact de non alienando;
(c) Waiver of appraisement;
(d) Waiver of homestead exemption;
(e) Right to accelerate for nonpayment.

5.

The defendant defaulted on (breached) the note and mortgage by failing to pay, when due, the monthly installment for August 1, 1991, and defendant remained in default by thereafter failing to pay, in full, such installment and all successive monthly installments and other amounts due on the note and mortgage before plaintiff accelerated the entire indebtedness represented by the note and mortgage which entire indebtedness remains unpaid, despite the mailing of notice by plaintiff to defendant by certified mail, prior to such acceleration, specifying:

1. The breach;

2. The action required to cure such breach;

3. A date not less than 30 days from the date the notice is mailed by which such breach must be cured;

4. A failure to cure such breach on or before the date specified in the notice would result in acceleration of sums secured by the mortgage;

5. That borrower had the right to reinstate after acceleration and the right to assert non-existence of the default or any other defense of defendant to acceleration and foreclosure;

6. That if the breach was not cured on or before the date specified in the notice, plaintiff could declare all of the sums secured by the mortgage to be immediately due and payable without further demand and that the property could be seized and sold to satisfy the indebtedness due (Exhibit E).

6.

Defendant is not entitled to the benefit of the Soldiers & Sailors Civil Relief Act of 1940.

7.

Plaintiff is entitled to enforce its mortgage and/or privilege on the following described property in an executory proceeding, to-wit:

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THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in BISSONET PLAZA SUBDIVISION, in Section No. 6, in SQUARE NO. 25, bounded by Kawanee Avenue, Olympic Drive, Asher Street and Elmwood Parkway, designated as LOT NO. 9, all in accordance with survey of Adloe Orr, Jr. & Associates, C.E., dated May 18, 1959, registered in COB 487, folio 572, approved by the Jefferson Parish Council under Ordinance No. 4202, adopted August 27, 1959, Parish of Jefferson, Louisiana, on September 10, 1959, and in accordance with survey of Adlor Orr, Jr. & Associates, C.E., dated February 16, 1960, which said lot commences at a distance of 70 feet from the corner of Kawanee Avenue and Olympic Drive, and measures thence 65 feet front on Kawanee Avenue, the same width in the rear, by a depth of 100 feet between equal and parallel lilnes; as more fully shown on the survey of Harris and Varisco, dated April 7, 1976, a copy of which is annexed to the act before James A. Mounger, N.P. dated 4/9/76.

The improvements thereon bear the Municipal No. 6505 Kawanee Avenue. All as will appear by survey of Varisco, Inc., dated December 5, 1983; subject to restrictions, servitudes, rights-of-way and outstanding mineral rights of record affecting the property.

8.

The defendant, MICHAEL L. KOSTERLITZ, is "absentee" as defined by Louisiana Code of Civil Procedure Article 5251(1) because, without limitation, he is a non-resident of the State of Louisiana and/or if dead his heirs are unknown. His last known address is: 1557 Stoneleigh Way, Stone Mountain, Georgia 30088. Therefore, an attorney at law should be appointed to represent said defendant upon whom service of seizure and any other required services might be made.

WHEREFORE, PLAINTIFF PRAYS that:

I. The Clerk issue the demand for payment before issuing the writ of seizure and sale.

II. A writ of seizure and sale issue (which writ shall not be issued by the Clerk until after issuance of the demand for payment) to sell the property described in Paragraph 7 above WITH appraisal and from the proceeds thereof to pay the amount owed plaintiff, to-wit: $71,665.57, interest thereon at 9.625% per annum from July 1, 1991, amounts due for taxes and insurance premiums at the rate of $132.67 per month from August 1, 1991,

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any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of a reasonable amount of all amounts due, subject to a credit of $571.64, and all costs hereof.

III. An attorney at law be appointed as Curator ad Hoc upon whom service of seizure and any other required services might be made.

THOMPSON, SPARKS, DEAN & MORRIS
1401 Royal Avenue
P. O. Box 2867
Monroe, Louisiana 71207-2867
(318)388-1440

BY: _____
George B. Dean, Jr. (#4764)

ATTORNEYS FOR PLAINTIFF

PLEASE SERVE DEFENDANT through the court appointed attorney; he is a non-resident of the State of Louisiana. His last known address is: 1557 Stoneleigh Way, Stone Mountain, Georgia 30088.

This is the property address: 6505 Kawanee Avenue
Metairie, LA 70003

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, the undersigned authority, personally came and appeared GEORGE B. DEAN, JR., who, being by me first duly sworn, deposed and said that he is the attorney for petitioner herein and that the allegations of fact contained herein are true and correct to the best of his knowledge, information and belief.

_____
George B. Dean, Jr.

SWORN TO AND SUBSCRIBED
before me this 8th day
of January, 1992.

Mary Ann Wallace
Notary Public

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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ORDER

Considering plaintiff's petition and the exhibits and finding that plaintiff is entitled thereto,

IT IS ORDERED that a writ of seizure and sale issue (after due delays) commanding the Sheriff to seize and sell the property described in Paragraph 7 of the petition affected by the mortgage and/or privilege as prayed for and according to the law.

IT IS ORDERED that Robert G. Creely, Attorney at Law, be appointed as Curator ad Hoc upon whom service of notice and any other required services might be made.

Gretna, Louisiana, this 13th day of January 1992.

Judge, 24th Judicial District

ON MINUTES
JAN 15 1992

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 427791

DIV DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FLEET MORTGAGE CORP.

Plaintiff

vs.

ROBERT L. COLLINS

Defendant

CHARLES H. RYAN

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JAN. 13, 1992 cs

0124920349 5

3269

HP Exhibit 0189 (134)

C 2 2 0 9 2 0 2 1 6 6

Attorney-at-Law in the manner and form provided by law; plaintiff further reiterates the prayers of the petition filed herein.

Respectfully submitted,

BOLES, BOLES & RYAN
ATTORNEY AT LAW
1805 Tower Drive
P. O. Box 2065
Monroe, LA 71207-2065
(318) 388-4050

BY: _____
Charles H. Ryan
Bar #11557

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, the undersigned legal authority in and for said Parish and State, personally came and appeared CHARLES H. RYAN, who first being duly sworn, did depose and say: That he is one of the attorneys for the plaintiff in the above and foregoing petition and that all of the allegations of fact contained therein are true and correct to the best of his knowledge, information and belief.

_____
Charles H. Ryan

SWORN TO AND SUBSCRIBED before me, Notary, this 5th day of February, 1992.

_____
Notary Public

ORDER

IT IS ORDERED that Robert G. Creely, Attorney-at-Law be, and he is hereby appointed to represent the absentee defendant(s), ROBERT L. COLLINS, and that said defendant(s) be served through said Attorney-at-Law with the notice of seizure and all other notices and citations required or permitted by law.

Gretna, Louisiana, this 11th day of February, 1992.

_____
JUDGE, DISTRICT COURT

ON MINUTES
FEB 14 1992

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

_____
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV DIV. A JUDGE E. THOMAS PORTEOUS, JR.

3271

№ 428430

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

Plaintiff

vs.

CONNIE PICCIOTTO, WIFE OF/AND EDWING A. MANTILLA AND JAY SCOTT JENKINS

Defendant

JANET D. DILZELL

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JAN. 28, 1992 cs

HP Exhibit 0189 (135)

CODED

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. A

JUDGE G. THOMAS PORTEOUS, JR.

NO. 428-430

DIVISION " "

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VERSUS

CONNIE PICCIOTTO, WIFE OF/AND
EDWING A. MANTILLA AND JAY SCOTT JENKINS

FILED FOR RECORD
92 JAN 28 AM 10 03
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

CODED

FILED: _____ _____
DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS

The petition of Pelican Homestead and Savings Association, a savings and loan association organized and existing under the laws of the State of Louisiana, and domiciled in the Parish of Jefferson, appearing herein through the undersigned counsel, with respect represents that:

I.

Made defendants herein are:

(1) Connie Picciotto, wife of/and Edwing A. Mantilla, both persons of the full age of majority and domiciled in the State of Florida; and

(2) Jay Scott Jenkins, a person of the full age of majority and domiciled in the City of Little Rock, State of Arkansas.

II.

That, the said Connie Picciotto, wife of/and Edwing A. Mantilla are absentees under Louisiana Code of Civil Procedure Article 5251 since they are non-residents of this State. Their last known address is 243 N.E. Acacia Tr., Jenson Beach, FL 34957. Therefore, it will be necessary to appoint an attorney at law to represent the absentees under Louisiana Code of Civil Procedure Article 2674.

III.

That, the said Jay Scott Jenkins is an absentee under Louisiana Code of Civil Procedure Article 5251 since he is a

file note + mortgage in vault

JAN 30 1992

ISSUED 2 not of demand of not of appt
DATE JAN 30 1992
S/ MYRA LANDIX
Deputy Clerk

CODED

non-resident of this State. His last known address is 11704 Pleasant Ridge Drive, Apartment 708, Little Rock, Arkansas. Therefore, it will be necessary to appoint an attorney at law to represent the absentee under Louisiana Code of Civil Procedure Article 2674.

IV.

Your petitioner, Pelican Homestead and Savings Association, is the holder and owner for a valuable consideration before maturity of a certain adjustable rate note made and subscribed in Metairie, Louisiana, on January 25, 1984, by Connie Picciotto, wife of/and Edwing A. Mantilla, to the order of the Pelican Homestead and Savings Association in the original principal amount of SEVENTY-ONE THOUSAND TWO HUNDRED FIFTY AND NO/100 ($71,250.00) DOLLARS, payable in installments as provided in said Note and Mortgage, and stipulating to bear interest at the rate of eight and seventy-five/one hundred (8.75%) percent per annum from date until February 28, 1985. On March 1, 1985, and each March 1st, thereafter, the annual "Change Date," the rate of interest will adjust to equal the index of "Contract Interest Rate, Purchase of Previously Occupied Homes, National Average for all Major Types of Lenders" published by the Federal Home Loan Bank Board, as of January 1, 1985, and each January 1st thereafter, in accordance with the terms of said Note and Mortgage, until paid. Said Note is secured by and paraphed "Ne Varietur" for identification with an Act of Mortgage passed before John H. Norman, Notary Public, dated January 25, 1984, in the amount of SEVENTY-ONE THOUSAND TWO HUNDRED FIFTY AND NO/100 ($71,250.00) DOLLARS, recorded in the Parish of Jefferson in MOB 906, folio 252, wherein the said Connie Picciotto, wife of/and Edwing A. Mantilla executed a first mortgage in the presence of said Notary Public and two competent witnesses who signed thereon, encumbering the following described property, to-wit:

ONE CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the City of Kenner, Parish of Jefferson, State of Louisiana, in that part thereof known as CHATEAU ESTATES NORTH SECTION 3, being a resubdivision of Parcel 12B, Chateau Estates, in accordance with a plan of resubdivision made by J. J. Krebs & Sons, Inc., C.E., dated October 5, 1976, approved by ordinance no. 1949, registered in COB 879, folio 830. Said lot is designed by the NUMBER 39 of Bordeaux Village Townhouses which measurements are shown on survey by J. J. Krebs & Sons, Inc., dated April 5, 1977, resurveyed April 13, 1977, improvements shown May 27, 1977, certified correct December 19, 1977, a copy of which is attached to an act before John H. Norman, Notary Public, dated April 17, 1978, registered in COB 924, folio 718.

Purchaser subscribes one share of stock in a non-profit corporation known as Bordeaux Village Townhomes Association, Inc., which Association has title to Lots 59 and 60 (common area) together with all improvements thereon. Purchaser hereby accepts and agrees to be bound by the terms, conditions and provisions contained in the "Declaration of Conditions and Restrictions of Bordeaux Village Townhomes", registered in COB 879, folio 830 and COB 887, folio 89, Jefferson Parish, and any amendments thereto, and the articles of incorporation and by-laws of Bordeaux Village Townhomes Association, Inc.

Purchaser shall enjoy a non-exclusive right and servitude of use in and to the Common Area (lots 59 and 60) in common with other owners of townhomes of Bordeaux Village. Purchaser shall enjoy a non-exclusive servitude in, on and through the Common Area for ingress and egress to and from the lot purchased.

Purchaser is also granted a servitude and exclusive right of use of, as well as right of ingress and egress to and from parking spaces, numbers 48 and 55 located in the Common Area.

Purchaser declares that upon the sale of said property, ownership of stock in the Bordeaux Village Townhomes Association, Inc., along with any and all rights thereto and along with exclusive right of use of the above described parking spaces shall all be transferred along with and as part of title to said property. Purchaser grants the right of access construction and reconstruction for the purpose of maintenance and repair of all utilities and utility lines which may fall within the bounds of said lot and improvements.

Being the same property acquired by Connie Picciotto wife of/and Edwing A. Mantilla from Roxanne von Zedtwitz wife of/and Manolis P. Arapis, by act dated of even date herewith, passed before the undersigned Notary Public.

This property bears municipal address 4124-D Loire Drive, Kenner, Louisiana.

V.

Petitioner attaches hereto as Exhibits A and B respectively

and makes a part hereof a certified copy of the aforesaid Act of Mortgage and the original of the Note identified therewith.

VI.

That, by Act of Sale and Assumption, dated November 12, 1987, before Malcolm A. Meyer, Notary Public, Jay Scott Jenkins assumed the loan from Connie Picciotto, wife of/and Edwing Mantilla, and bound himself in solido with them for the full payment of the Note and all obligations expressed in the Act of Mortgage. Said Act of Sale and Assumption was recorded in MOB 2097, folio 043, of the mortgage records of Jefferson Parish. In accordance with the terms of said sale and assumption, interest was to be charged at a rate of seven and five-tenths (7.5%) percent per annum, from date until July 31, 1988. Beginning August 1, 1988, the note was scheduled to adjust to equal the Contract Interest Rate, rounded upward to the nearest one-eighth (1/8%) percent as of July 1, 1988, and each July 1, thereafter, until paid. A certified copy of said Act of Sale and Assumption is attached hereto and made a part hereof as Exhibit C.

VII.

That, Connie Picciotto, wife of/and Edwing A. Mantilla were represented in the above-referenced Act of Sale and Assumption by Shirley Hennan, pursuant to a Power of Attorney dated October 21, 1987. A certified copy of the Power of Attorney is attached hereto and made part hereof as Exhibit D.

VIII.

In order to secure said Note, a Continuing Guaranty up to FIVE MILLION AND NO/100 ($5,000,000.00) DOLLARS, but not more than the total amount due under the promissory note and mortgage assumed on November 12, 1987, was executed by Connie Picciotto, wife of/and Edwing Mantilla, on November 12, 1987. A copy of said Continuing Guaranty is attached hereto and made part hereof as Exhibit E.

IX.

In order to secure said Note, a Continuing Guaranty up to FIVE

MILLION AND NO/100 ($5,000,000.00) DOLLARS, but not more than the total amount due under the promissory note and mortgage assumed on November 12, 1987, was executed by Jay Scott Jenkins on November 12, 1987. A copy of said Continuing Guaranty is attached hereto and made part hereof as Exhibit F.

X.

That, by said Acts, petitioner retained a first mortgage lien and privilege on the property, and the defendants granted a special mortgage under the "pact de non alienando" upon said property to secure the payment of said Note, with interest, attorney's fees, late charges, advances and other charges, as will be hereinafter set forth.

XI.

That, under the aforedescribed Act, the said defendants confessed judgment upon said Note and consented that if said Note were not paid in accordance with the terms and conditions of said Act of Mortgage and Act of Sale and Assumption, the mortgaged property might be seized and sold by Executory Process, for cash, to the highest bidder with or without appraisement at the option of the petitioner.

XII.

That, by said Acts, the said defendants obligated themselves in case it became necessary to institute legal proceedings for the recovery of the amount of said Note, or any portion thereof, to pay the fees of the attorney at law employed for that purpose, which fees are fixed by the terms of said Act of Mortgage at twenty (20%) percent of the sums due under the Note, which amount is reasonable in light of the amount of legal expertise and time expended to obtain the satisfaction of this debt.

XIII.

That, by the terms of said Acts, it was stipulated that should said defendants violate any of the conditions of the Act or fail to promptly perform any obligations thereunder, or fail to make any

payment due to the petitioner, the said petitioner may, at its option, after notice as provided in said Act, declare the entire balance due by the defendants to the petitioner or any holder or holders of the said Note immediately due, exigible and payable, together with all interest, attorney's fees, late charges, advances and all other expenses and charges.

XIV.

That, by the terms of said Acts, it was stipulated that should the defendants fail to pay any taxes or insurance premiums affecting the subject property, when due, that the holder of the Note, at its option, may pay such taxes and insurance premiums as they become due, and such advance shall become an additional indebtedness secured by the mortgage given in the aforesaid Act and shall bear interest at the same rate as the principal debt from the date of disbursement until paid.

XV.

That, in accordance with said Acts, the said defendants obligated themselves to pay a late charge fee of five (5%) percent of any monthly installment of principal and interest not received by the petitioner within fifteen (15) days after such installment is due.

XVI.

That, the said defendants are more than thirteen (13) weeks in arrears in their payments, the last payment having been made through August 31, 1991.

XVII.

That, in accordance with the terms of the Note and Act of Mortgage, the Note is in default as it is past due and exigible as to principal, interest, late charges and attorney's fees and remains unpaid, notwithstanding formal notice of delinquency and notice of acceleration, within the time limits set forth in said Act, as outlined in the Authentic Act of Notice of Delinquency and Acceleration attached hereto and made a part hereof as Exhibit G.

XVIII.

That, on March 1, 1985, March 1, 1986, March 1, 1987, August 1, 1988, August 1, 1989, August 1, 1990, and August 1, 1991, the interest rate adjusted in accordance with the terms of the Note and Act of Mortgage and Act of Sale and Assumption of Mortgage. Notification of the interest rate changes was sent to defendants within the time limits set forth in the Note and Act of Mortgage, as shown by the Authentic Act of Notice of Interest Rate Change which is attached hereto and made part hereof as Exhibit H.

XIX.

Now, by Affidavit and Certificate of Amount Due attached as Exhibit I, petitioner shows that there is a balance due of SIXTY-SIX THOUSAND FOUR HUNDRED EIGHT-FOUR AND 96/100 ($66,484.96) DOLLARS, together with interest at the rate of nine and twenty-five/one hundred (9.25%) percent per annum from September 1, 1991 until July 31, 1992, at which time the interest rate will adjust in accordance with the terms of the Note and Act of Mortgage and Act of Sale and Assumption of Mortgage until paid, plus any amounts advanced for the payment of taxes and insurance, together with interest calculated in the same manner as the original mortgage amount from the date of disbursement until paid, together with late charges and attorney's fees in the amount of twenty (20%) percent of the sums due under the Note.

XX.

That, by the terms of the Act of Mortgage, as well as La. Rev. Stat. §6:824(D)(3) and/or La. Rev. Stat. §9:5136, et seq., the petitioner may, at its option and without security, appoint itself or an agent as keeper or receiver to enter upon, take possession of, and manage the property, and to collect the rents of the property, including those past due. The said petitioner, Pelican Homestead and Savings Association, wishes to exercise its right to appoint itself as receiver of the above-referenced property.

XXI.

Petitioner desires that the hereinabove described property be seized and sold, on terms of ten (10%) percent cash down with the balance in cash within thirty (30) days of the sheriff's sale, with benefit of appraisement, according to law.

WHEREFORE, premises and the attached documents and authentic evidence being considered, petitioner prays:

(1) That, an attorney at law be appointed to represent the absentees, Connie Picciotto, wife of/and Edwing A. Mantilla;

(2) That, an attorney at law be appointed to represent the absentee, Jay Scott Jenkins;

(3) That Pelican Homestead and Savings Association, or its agent, be appointed as keeper or receiver, without security, to enter upon, take possession of, and manage the property, and to collect the rents of the property, including those past due;

(4) That, after service of the three-day demand and the expiration of the delays, a writ of seizure and sale issue herein, directing the Sheriff for the Parish of Jefferson to seize and, after due delays, requisites and formalities, save those expressly waived in the Act of Mortgage, to sell, on terms of ten (10%) percent cash down with the balance in cash within thirty (30) days of the sheriff's sale, the property hereinabove described, with benefit of appraisement, according to law;

(5) That, out of the proceeds of said sale, petitioner, Pelican Homestead and Savings Association, be paid the sum of SIXTY-SIX THOUSAND FOUR HUNDRED EIGHTY-FOUR AND 96/100 ($66,484.96) DOLLARS, together with interest at the rate of nine and twenty-five/one hundred (9.25%) percent per annum from September 1, 1991 until July 31, 1992, at which time the interest rate will adjust in accordance with the terms of the Note and Act of Mortgage and Act of Sale and Assumption of Mortgage until paid, plus any amounts advanced for the payment of taxes and insurance, together with interest calculated in the same manner as the original mortgage

amount from the date of disbursement until paid, together with late charges and attorney's fees in the amount of twenty (20%) percent of the sums due under the Note, and for all costs of these proceedings;

(6) That, petitioner, Pelican Homestead and Savings Association, be paid the amount of the aforesaid claim with preference and priority over all inferior lienholders whomsoever; and

(7) For all general and equitable relief.

BALDWIN & HASPEL:

JEANNIE M. RANDAZZO (Bar #11101)
JANET D. DILZELL (Bar #14217)
PATRICK K. RESO (Bar #20583)

BY: Janet D. Dilzell
Attorneys for Petitioner
2121 Airline Highway
5th Floor
Metairie, LA 70001
(504) 836-8480

F:\DATA\EPWK\MANT3633.01E

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 428-430 DIVISION "A"

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VERSUS

CONNIE PICCIOTTO, WIFE OF/AND
EDWING MANTILLA AND JAY SCOTT JENKINS

FILED: _____ _____
DEPUTY CLERK

FILED 1992 JAN 28 PM 12 DEPUTY CLERK PARISH OF JEFFERSON, LA. RECORD

ORDER

Considering the above and foregoing Petition, let Robert H. Creely be appointed to represent the absentees, Connie Picciotto, wife of/and Edwing A. Mantilla, and let Don C. Gardner be appointed to represent the absentee, Jay Scott Jenkins, in accordance with Louisiana Code of Civil Procedure Article 2674; let a Writ of Seizure and Sale issue herein, after service of the three-day demand and the expiration of the required delays; and let Pelican Homestead and Savings Association, or its agent, be appointed as keeper or receiver, without security, to enter upon, take possession of, and manage the property, and to collect the rents of the property, including those past due, all as prayed for and according to law.

Gretna, Louisiana, this 28th day of January, 1992.

JUDGE

CONTD ON MINUTES JAN 29 1992

PLEASE SERVE
THREE-DAY DEMAND,
NOTICE OF SEIZURE and
NOTICE TO APPOINT APPRAISER ON:

ATTORNEY AT LAW APPOINTED TO REPRESENT THE ABSENTEES, CONNIE PICCIOTTO, WIFE OF/AND EDWING MANTILLA:

_____

_____

_____

(ADDITIONAL SERVICE INSTRUCTIONS ON FOLLOWING PAGE)

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
THOMAS PORTEOUS, JR.

DIV

Nº 429354

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

IN RE: INTERDICTION OF JAMES JOSE RIVERA

vs. *Plaintiff*

Defendant

ANTHONY J. MILAZZO, JR.
Attorney for Plaintiff

Attorney for Defendant

Date of Filing FEB. 18, 1992 cs

HP Exhibit 0189 (136)

9 2 0 9 2 3 8 2 6 4 3

AMATO AND CREELY
A PROFESSIONAL LAW CORPORATION
901 DERBIGNY STREET
POST OFFICE BOX 441
GRETNA, LOUISIANA 70054-0441
TELEPHONE: 504-367-8181
TELEFAX: 504-362-5168

September 10, 1992

Clerk of Court
Parish of Jefferson
New Gretna Courthouse
Gretna, Louisiana 70053

Re: Interdiction of James Jose Rivera
24th JDC No. 429-354, "A"

Dear Sir:

Please be advised that my duties as curator have now been completed in the above matter. Therefore, please forward to my office the curator fee deposited with your office at the time of filing of the original petition herein.

Sincerely,

ROBERT G. CREELY

RGC/da

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

CHECK NO. 2093

Robert G. Creely
dtd. 9-21-92
$200.00

S/C. GAUTHIER
DEPUTY CLERK

Deposit Put up
on 2.19.92 $ 200.00

DIV

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

Nº 429485

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

PAULETTE ARABIE MARCHIAFAVA, INDIVIDUALLY AND AS TUTRIX OF THE MINOR PAUL MARCHIAFAVA

Plaintiff

vs.

ROSA DELSOL HERNANDEZ (ROSA EDLSOL), WIFE OF/AND ANTONIO L. HERNANDEZ

Defendant

JAMES C. ARCENEAUX, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing FEB. 19, 1992 c s

HP Exhibit 0189 (137)

CODED #292

DIV. A
JUDGE
G. THOMAS FONTEOUS, JR.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 429-485 DIVISION "B"

PAULETTE ARABIE MARCHIAFAVA, INDIVIDUALLY AND AS TUTRIX OF THE MINOR PAUL MARCHIAFAVA

VERSUS

ROSA DELSOL HERNANDEZ (ROSA DELSOL), WIFE OF/AND ANTONIO L. HERNANDEZ

FILED FOR RECORD '92 FEB 19 AM 9 35 DEPUTY CLERK PARISH OF JEFFERSON, LA.

FILED: _____ _____ DEPUTY CLERK

file note & mortgage in Vault

FEB 27 1992

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Paulette Arabie Marchiafava, individually and as Tutrix of the minor Paul Marchiafava, a person of the full age of majority and a resident of the Parish of Orleans, with respect represents:

I.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Rosa DelSol, wife of/and Antonio L. Hernandez who are residents of and domiciled in the State of California with a mailing address of 4541 Vellflower, Long Beach, California, payable to the order of "BEARER in the principal sum of $50,000.00 dated August 13, 1982 payable at Kenner, Louisiana or at such other place as the holder may designate in writing, in fixed monthly installments of $526.61 commencing on the first day of September, 1982 and payable in full on or before the first day of August, 2007. The said note bears interest at the rate of twelve (12%) percent per annum on the unpaid balance from date until paid, and which said note is paraphed "Ne Varietur" for identification with an Act of Mortgage dated August 13, 1982 and passed before Roy M.

ISSUED not of demand w/ not of appt
DATE FEB 27 1992
CODED S/ MYRA LANDIX
Deputy Clerk

D'Aquila, Notary Public in and for the Parish of Jefferson and two witnesses, and duly recorded in MOB 857, folio 936, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

II.

The said mortgagors did, in the said act, waive all homestead exemptions to which they may be entitled under the Constitution and laws of the State of Louisiana.

III.

In the above mentioned Act, the mortgagors agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Santo R. Marchiafava, lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagors bound and obligated themselves not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

IV.

In the above mentioned act, the said mortgagors confessed judgement on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

V.

In the said act hereinabove referred to, the said mortgagors did specially mortgage, affect and hypothecate unto and in favor of the mortgagee, Santo R. Marchiafava and any and all other future holders of the note, the following described property

0 0 2 2 4 3 2 4 2 0 3 1

situated in the Parish of Jefferson, State of Louisiana, to-wit:

> A CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated on the West Bank of the Mississippi River, Jefferson Parish, State of Louisiana, in TERRYTOWN SUBDIVISION NO. 8, being a part of Section D of Elmwood Subdivision, according to plan of Adloe Orr & Associates dated April 22, 1964, said lot is situated in SQUARE 135, bounded by Mystic Avenue, Behrman Highway, Carol Sue Avenue, Guardian Avenue and Matador Drive, said lot is designated as LOT 48-A according to said plan and measures as follows: Lot 48-A commences at a distance of 605 feet from the corner of Carol Sue and Mystic Avenues, measures thence 60 feet front on Mystic Avenue, same in width in the rear, by a depth of 115 feet between equal and parallel lines. According to survey of Rene A. Harris, Inc., C.E., dated October 10, 1964, said lot is situated, designated and measures as hereinabove set forth.
>
> Improvements thereon bear the municipal number 741 Mystic Avenue, Gretna, La. 70053.
>
> Being the same property acquired by Rosa DelSol, wife of/and Antonio L. Hernandez from Karen Lynn Marchiafava and Santo R. Marchiafava in an act before Roy M. D'Aquila, Notary Public, dated August 13, 1982 and duly registered in COB 1030, folio 863.

VI.

Santo R. Marchiafava died April 21, 1985 and his succession was opened under Docket No. 85-10993 of the Civil District Court for the Parish of Orleans and pursuant thereto a Judgment of Possession was rendered January 15, 1987 recognizing Paulette Arabie Marchiafava as a legatee of a one-half (1/2) interest in and to all of decedent's separate property together with the usufruct over the remaining one-half (1/2) of decedent's separate property which includes the above referenced promissory note. The heirs of decedent, Ross S. Marchiafava, Lee James Marchiafava, Karen Lynn Marchiafava and the minor child Paul Marchiafava, were recognized as the only children and legal heirs of Santo R. Marchiafava and sent into possession of the remaining undivided one-half (1/2) interest in and to the above described promissory note subject to the usufruct of Paulette Arabie Marchiafava. The Judgment of Possession is recorded in COB 811,

folio 293 of the Parish of Orleans, a certified copy of which is attached hereto and marked Exhibit "C".

VII.

By Act dated January 15, 1987 Karen Lynn Marchiafava did transfer unto Paulette Arabie Marchiafava all of her right, title and interest in and to the above described promissory note, which said act is recorded in COB 813E, folio 462, Parish of Orleans, a certified copy of which is attached hereto and marked Exhibit "D".

VIII.

On February 2, 1987 Lee James Marchiafava and Ross S. Marchiafava transferred all of their right, title and interest in and to all of the assets comprising the estate of Santo R. Marchiafava unto Paulette Arabie Marchiafava which said acts are recorded in COB 811, folio 341 and COB 812, folio 388, Parish of Orleans, certified copies of which are attached hereto and marked Exhibit "E" and "F" respectively.

IX.

Paulette Arabie Marchiafava was duly qualified as the Tutrix of the minor Paul Marchiafava on January 8, 1987 as evidenced by a certified copy of the Letters of Tutorship attached hereto and marked Exhibit "G" and accordingly petitioner Paulette Arabie Marchiafava is the proper party plaintiff individually, as the owner of a 15/16 interest in and to the above referenced promissory note and in her capacity as Tutrix of the minor Paul Marchiafava, the owner of a 1/16 interest in and to the above described promissory note.

X.

The petitioner herein, Paulette Arabie Marchiafava, individually and as Tutrix of the minor Paul Marchiafava, has been advised that the defendants herein, are currently living and residing at 4541 Vellflower, Long Beach, California and it will

therefore be necessary for this Honorable Court to appoint an attorney to represent the absent defendants.

XI.

The mortgagors having failed to make the payments required under the terms of their mortgage, are in default under the terms of said mortgage and Paulette Arabie Marchiafava, individually and as Tutrix of the minor Paul Marchiafava, as the last holder of the note, after having given due notice to mortgagors herein, has exercised the option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from December 1, 1988 to date.

WHEREFORE,petitioner prays that the Court appoint an attorney to represent the absent defendants, Rosa DelSol Hernandez, wife of/and Antonio L. Hernandez and, further, petitioner prays for an order of Executory Process herein, that due notice of demand be served upon the defendants and thereafter, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson State of Louisiana, to seize and sell, with appraisement, and after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of $47,048.04 with 12% percent interest thereon from December 1, 1988 until paid, together with 25% percent attorney's fees on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEAUX

BY James C. Arceneaux

JAMES C. ARCENEAUX, III
Bar Roll No. 2524
601 Poydras Street, Suite 2650
New Orleans, Louisiana 70130
Phone: (504) 522-8256

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned authority, personally came and appeared:

PAULETTE ARABIE MARCHIAFAVA, INDIVIDUALLY
AND AS TUTRIX OF THE MINOR PAUL MARCHIAFAVA

who, upon being first duly sworn, did depose and say;

That she is familiar with the account of Rosa DelSol, wife of/and Antonio L. Hernandez, which said account has a principal balance of $47,048.04 plus interest 12% from December 1, 1988, until paid, which said account is currently past due for the payments due December 1, 1988 until date; and moreover that defendants are not in the Armed Services of the United States. That she has read the above and foregoing petition and that all of the facts and allegations therein contained are true and correct.

PAULETTE ARABIE MARCHIAFAVA

SWORN TO AND SUBSCRIBED BEFORE
ME THIS 11th DAY OF February,
1992.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

ORDER

Considering the allegations of the foregoing petition and the exhibits annexed thereto let Executory Process issue herein. It is further ordered that a Notice of Demand for payment be served on defendants herein through their duly appointed attorney and thereafter that a Writ of Seizure and sale issue herein, as prayed for, according to law with appraisement.

Let Robert G. Creely, Esq. be appointed as Curator-ad-Hoc to represent the absent defendants, Rosa DelSol, wife of/and Antonio L. Hernandez.

Gretna, Louisiana
February 20th, 1992

CODED

JUDGE

ON MINUTES
FEB 26 1992

PLEASE SERVE:

(1) NOTICE OF APPOINTMENT
(2) NOTICE OF DEMAND AND
(3) NOTICE OF SEIZURE ON:

_____, Esq.
Curator-ad-Hoc to represent
the absent defendants
Rosa DelSol, wife of/and
Antonio L. Hernandez
(believed to be residing at
4541 Vellflower
Long Beach, Calif.)

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

№ 430027

DIV. A

JUDGE G. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

ASSOCIATES EQUITY SERVICES CO., INC.

Plaintiff

vs.

ELSA M. PINEDA, WIFE OF/AND OSCAR M. MENDOZA

Defendant

GERALD WASSERMAN

Attorney for Plaintiff

Attorney for Defendant

Date of Filing FEB. 28, 1992 cs

3292

HP Exhibit 0189 (138)

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 430-027 DIVISION "A"

ASSOCIATES EQUITY SERVICES CO., INC.

versus

ELSA M. PINEDA, WIFE OF/AND OSCAR M. MENDOZA

FILED: _____ _____ DEPUTY CLERK

FILED FOR RECORD FEB 28 2 52 PM '92 CLERK OF COURT PARISH OF JEFFERSON

PETITION FOR EXECUTORY PROCESS

The petition of Associates Equity Services Co., Inc., an Alabama corporation authorized to do and doing business in the Parish and State aforesaid, through undersigned counsel, respectfully represents:

I.

Petitioner is the holder and owner in due course, for valuable consideration and before maturity, of one certain promissory note dated at Metairie, Louisiana, on July 18, 1986, made and subscribed by Elsa M. Pineda, wife of/and Oscar M. Mendoza, both of the full age of majority, to the order of Essex Mortgage Corporation and under the agreement and stipulations as set forth in the act with which the note is identified, for the sum of $22,000.00, for value received, with interest at the rate of 12.35% per annum from date until paid and which note is paraphed "Ne Varietur" for identification with an act of mortgage before Michael M. Dorsey, Notary Public, dated July 18, 1986, wherein Essex Mortgage Corporation, for the sum of $22,000.00 was granted a mortgage to secure the repayment of that sum on the following described property, to-wit:

> THAT CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, City of Kenner, in that part thereof known as GREATER HOLLY HEIGHTS SUBDIVISION, Section 1, said portion being designated as LOT 12 of SQUARE E. According to a plan by J. J. Krebs & Sons, Inc., dated July 30, 1970, Square E is bounded by Saxony Lane, Vanderbilt Lane, Holly Heights Drive and Continental Drive. Lot 12 commences at a distance of 400 feet from the corner of Holly Heights Drive and Vanderbilt Lane, and measures thence 50 feet front on Vanderbilt Lane, the same width in the rear, by a depth between equal and parallel lines of 100 feet.
>
> Improvements thereon bear Municipal No. 645 Vanderbilt

file note + mortgage in vault

SSUED not of copy
DATE MAR 2 0 1992
S/ MYRA LANDIX Deputy Clerk

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Lane, Kenner, Louisiana, 70065.

Acquired January 22, 1971, in COB 728, folio 393.

II.

The act of mortgage was duly recorded on July 21, 1986 in the Mortgage Office for the Parish of Jefferson, **MOB 1596, folio 211, under Entry No. 8637165**; petitioner annexes hereto and makes part hereof the note and certified copy of the said act of mortgage.

III.

By Act of Assignment of Mortgage and Note dated November 27, 1989, **Essex** Mortgage Corporation did transfer and assign to Essex Savings Bank, Inc. f/k/a Northeastern Savings & Loan Association, Inc. all right, title and interest in and to the above-described Act of Mortgage and the Note secured thereby, recorded on May 22, 1990 in the Mortgage Office for the Parish of Jefferson, **MOB 2698, folio 176, Instrument No. 9020666**, a certified copy of which is annexed hereto.

IV.

By Act of Assignment of Mortgage and Note dated November 28, 1989, Essex Savings Bank, Inc. f/k/a Northeastern Savings & Loan Association, Inc. did transfer and assign to Essex Mortgage Corporation all right, title and interest in and to the above-described Act of Mortgage and the Note secured thereby, recorded on September 27, 1990 in the Mortgage Office for the Parish of Jefferson, **MOB 2748, folio 65, Instrument No. 9042417**, a certified copy of which is annexed hereto.

V.

By Act of Assignment of Mortgage and Note dated March 16, 1990, Essex Mortgage Corporation did transfer and assign to Associates Equity Services Co., Inc. all right, title and interest in and to the above-described Act of Mortgage and the Note secured thereby, the original of which is annexed hereto.

VI.

In the said act, the said Elsa M. Pineda, wife of/and Oscar M. Mendoza granted a special mortgage under the pact "de non alienando" upon the said property to secure payment of the said note with interest, 25% attorney fees, etc., as herein set forth.

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VII.

In the said act, the said Elsa M. Pineda, wife of/and Oscar M. Mendoza confessed judgment upon the note and consented that if payments were not made in accordance with the terms and stipulations of the act, the mortgaged property might be seized and sold by executory process for cash, **without notice of demand** and **with benefit of appraisal**.

VIII.

Said note has become due and payable due to the failure and/or refusal of defendants herein, Elsa M. Pineda, wife of/and Oscar M. Mendoza, to make the payment called for under the note on October 23, 1991 and all subsequent payments and is therefore in default.

IX.

The current address of the defendant herein, Oscar M. Mendoza, is 30624 S.W. 155 Court, Leisure City, Florida, 33033, and is therefore an absentee within the purview of Louisiana law. As such, it is necessary that this Court, having the jurisdiction over the property involved, appoint an attorney at law as curator ad hoc to represent the interests of the said absent defendant herein, Oscar M. Mendoza.

X.

The defendants, Elsa M. Pineda, wife of/and Oscar M. Mendoza, have failed to pay the installments in accordance with the terms of the note, therefore there is a present balance due on the note in the sum of **NINETEEN THOUSAND THIRTY-THREE AND 21/100 ($19,033.21) DOLLARS**, plus interest commencing January 29, 1992 at the rate of 12.35% per annum until paid, reasonable attorney's fees in the amount of 25% of the principal and interest due and owing, and all costs of these proceedings.

XI.

Petitioner avers amicable demand without avail.

WHEREFORE, the premises, annexed documents and affidavit being considered, petitioner prays that an Order of Executory Process herein, **without notice of demand**, and directing the Sheriff for the Parish of Jefferson to seize, and after due advertisements,

delays, requisites and formalities, to sell the property at public auction, **with benefit of appraisement**, to the highest bidder for cash, and to pay and satisfy the claim of your petitioner as follows:

a) Principal due on the said note in the sum of **NINETEEN THOUSAND THIRTY-THREE AND 21/100 ($19,033.21) DOLLARS**;

b) Interest commencing January 29, 1992 at the rate of 12.35% per annum until paid;

c) Reasonable attorney's fees in the amount of 25% of the principal and interest due and owing;

d) Any and all costs, funds and expenses advanced by petitioner pursuant to the mortgage; and

e) All costs of these proceedings.

Petitioner further prays that out of the proceeds of the sale, its claim be paid in principal, interest, attorney's fees, etc. by preference and priority over all other persons.

Petitioner further prays that an attorney at law be appointed as curator ad hoc to represent the interests of the absent defendant herein, Oscar M. Mendoza.

RESPECTFULLY SUBMITTED:

BACH & WASSERMAN

Gerald Wasserman

GERALD WASSERMAN (LSBA #13253)
Attorney for Plaintiff
4900 Veterans Blvd., 10th Floor
Metairie, Louisiana 70006
Telephone: (504) 888-3700

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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STATE OF LOUISIANA

PARISH OF JEFFERSON

FILED
MAR 28 1992
DEPUTY CLERK

A F F I D A V I T

BEFORE ME, the undersigned authority, personally came and appeared:

GERALD WASSERMAN

who, after being duly sworn, did depose and say:

That he is the attorney for Associates Equity Services Co., Inc.; that he has read the annexed petition; that the facts and allegations therein set forth are true and correct to the best of his knowledge, information and belief.

Gerald Wasserman
GERALD WASSERMAN

Sworn to and subscribed
before me, Notary Public,
this 28th day of February, 1992.

NOTARY PUBLIC

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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ORDER

The premises, annexed documents and affidavit herein being considered, let an Order of Executory Process issue as prayed for herein, and according to law; and Let Roland J. Cicely, attorney at law, be hereby appointed curator ad hoc to represent the absentee defendant, Oscar M. Mendoza, in this proceedings.

Gretna, Louisiana, this 9th day of March, 1992.

CODED

JUDGE

ON MINUTES
MAR 9 1992

PLEASE SERVE:

Elsa M. Pineda Mendoza
645 Vanderbilt Lane
Kenner Louisiana 70065

and

Curator Ad Hoc for
Oscar M. Mendoza

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

430580

DIV

DIV. A
JUDGE
THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

SECURITY NATIONAL TRUST, A LIMITED PARTNERSHIP

Plaintiff

vs.

S. PARISH OIL COMPANY AND DONALD J. ARNOULT

Defendant

JACK J. MENDHEIM

Attorney for Plaintiff

Attorney for Defendant

Date of Filing MAR. 13, 1992 cs

HP Exhibit 0189 (139)

3299

P1

SECURITY NATIONAL TRUST,
A LIMITED PARTNERSHIP

VERSUS

S. PARISH OIL COMPANY AND
DONALD J. ARNOULT

NUMBER 430-580, DIVISION A

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

MOTION TO APPOINT CURATOR

NOW INTO COURT, through its undersigned counsel comes Security National Trust, A Limited Partnership, herein represented by Security National Inc. of Alaska, its General Partner, plaintiff in the above entitled and number proceedings and respectfully represents:

I.

Plaintiff does not know the whereabouts of the defendant and has been unable to make service on the defendant, Donald J. Arnoult. Petitioner desires and is entitled to have an attorney at law practicing before this Court appointed to represent the absentee defendant under LSA-C.C.P. art. 5091, et seq.

WHEREFORE, plaintiff prays that an attorney at law be appointed to represent the defendant, Donald J. Arnoult.

Respectfully submitted:

JACK J. MENDHEIM, Attorney at Law
11911 Justice Ave.
P. O. Box 86359
Baton Rouge, LA 70879-6359
Telephone: (504) 293-0095
Bar Roll Number: 9431

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

ISSUED not a appt
DATE JUN 22 1992
S/ MYRA LANDIS
Deputy Clerk

0 6 2 3 2 2 0 0 9 4 3

SECURITY NATIONAL TRUST,
A LIMITED PARTNERSHIP

VERSUS

S. PARISH OIL COMPANY AND
DONALD J. ARNOULT

NUMBER 430-580, DIVISION A

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

O R D E R

Considering the foregoing motion, it is ordered that Robert A. Creely, Attorney at Law, be appointed to represent the defendant, Donald J. Arnoult, in these proceedings and that he be served with copy of the petition herein.

Gretna, Louisiana, this 28th day of May, 1992.

CODED

JUDGE, 24TH JUDICIAL DISTRICT

ON MINUTES
MAY 29 1992

PLEASE SERVE:

Through Court Appointed Attorney

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 431576

DIV [redacted]

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Plaintiff

vs.

WILLIAM RICHARD MARINO AND GLENDA HOWELL MARINO

Defendant

JOHN C. MORRIS, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing APR. 6, 1992 cs

HP Exhibit 0189 (140)

3302

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STATE OF LOUISIANA * PARISH OF JEFFERSON * 24TH DISTRICT COURT

FEDERAL NATIONAL
MORTGAGE ASSOCIATION

FILED: _____

VERSUS NO. 431-576 DIV. "A"

WILLIAM RICHARD MARINO
GLENDA HOWELL MARINO

_____
DEPUTY CLERK

FILED FOR RECORD
92 JUL 6 AM 10 07
DEPUTY CLERK
PARISH OF JEFFERSON

MOTION AND ORDER TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel, comes FEDERAL NATIONAL MORTGAGE ASSOCIATION, which respectfully represents:

1.

The above entitled and numbered cause is a foreclosure by ordinary process against certain property located in the Parish of Jefferson, State of Louisiana.

2.

One of the defendants, William Richard Marino, cannot be served despite the diligent effort of the plaintiff to locate him and the Sheriff of Jefferson Parish to serve as reflected by the Sheriff's return.

3.

The plaintiff and its attorney have made a diligent effort to locate William Richard Marino, including the following:

- Federal National Mortgage Association's attorney called directory assistance in an effort to obtain an address and/or telephone number for William Richard Marino.
- Service was attempted by the sheriff at the only address William Richard Marino ever provided to Troy & Nichols, Inc., the servicing agent for Federal National Mortgage Association.
- Tory & Nichols, Inc., servicing agent for the plaintiff, hired an investigative company, American Research Bureau, Inc. ("ARB") to locate William Richard Marino. ARB ascertained that Mr. Marino resided at 5801 Walnut Creek Road, #136, River Ridge, Louisiana, 70123, the place where Mrs. Marino had been served. ARB stated that it appeared as though Mrs. Marino was protecting her husband.
- Service was again attempted at this address. The sheriff was informed that Mr. Marino did not live there.

Into cit & sig pet w/ not of appt
JUL 13 1992
S/ MYRA LANDIX
Deputy Clerk
CODED

Considering the foregoing William Richard Marino is absentee as defined by Louisiana Code of Civil Procedure Article 525(1) and therefore, a Curator ad Hoc must be appoint to represent William Richard Marino upon whom service of process can be made in these proceedings.

WHEREFORE, MOVER, FEDERAL NATIONAL MORTGAGE ASSOCIATION, PRAYS that the Court appoint a Curator ad Hoc to represent William Richard Marino upon whom service of process can be made in this case.

MOVER FURTHER PRAYS for leave of Court to file this motion and order.

THOMPSON, SPARKS, DEAN & MORRIS
1401 Royal Avenue
P. O. Box 2867
Monroe, LA 71207-2867
(318) 388-1440

By: _____
John C. Morris, III (Bar #01987)
Attorneys for Federal National Mortgage Association

VERIFICATION

BEFORE ME, the undersigned authority, came and appeared JOHN C. MORRIS, III, attorney for Federal National Mortgage Association, who declared that the foregoing allegations are true and correct to the best of his knowledge, information and belief.

_____
John C. Morris, III

_____
Notary Public

TO CURATOR: Our sources of information indicate Mr. Marino last lived at 5801 Walnut Creek, #136, River Ridge, Louisiana, 70123, although the sheriff could not serve him there. The property address is 18 Billyday Avenue, Kenner, Louisiana, 70062. We have no other potential address for Mr. Marino.

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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STATE OF LOUISIANA * PARISH OF JEFFERSON * 24TH DISTRICT COURT

FEDERAL NATIONAL
MORTGAGE ASSOCIATION

FILED: _____

VERSUS NO. 431-576 DIV. "A"

WILLIAM RICHARD MARINO
GLENDA HOWELL MARINO

_____
DEPUTY CLERK

O R D E R

The foregoing motion considered:

IT IS HEREBY ORDERED that Robert G. Curby, Attorney at Law, be and he/she is hereby appointed as Curator ad Hoc to represent William Richard Marino.

IT IS FURTHER ORDERED that leave of court is hereby granted to allow the filing of this motion and order.

Gretna, Louisiana this 7th day of July, 1992.

ENTERED ON MINUTES JUL 9 1992

_____
J U D G E

Please serve William Richard Marino all process through his court appointed attorney.

A TRUE COPY OF THE ORIGINAL
ON FILE IN THE OFFICE.

_____
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

DIV. A
JUDGE
G. THOMAS PRATERUS, JR.

DIV _____

Nº 431912

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON
STATE OF LOUISIANA

LEADER FEDERAL BANK FOR SAVINGS

Plaintiff

vs.

ALVIN J. MASON A/K/A ALVIN J. MASON, SR. JASON MASON

Defendant

GEORGE B. DEAN, JR.
Attorney for Plaintiff

Attorney for Defendant

Date of Filing APR. 13, 1992 cs

HP Exhibit 0189 (141)

0 0 6 1 6 3 2 0 0 0 4 4

STATE OF LOUISIANA * PARISH OF JEFFERSON * 24TH DISTRICT COURT

LEADER FEDERAL BANK FOR SAVINGS

FILED: _____

VERSUS NO.431-912

ALVIN J. MASON et al

MOTION & ORDER TO APPOINT CURATOR

On Motion of the Leader Federal Bank for Savings, and on suggesting to the court that defendant (s) is/are "absentee (s)" defined by Louisiana Code of Civil Procedure article 5251(1) because, without limitation, Plaintiff has been unable to perfect service upon defendants, Jason Mason

despite the diligent efforts to plaintiff and the Sheriff of Jefferso Parish, Louisiana, as reflected by the Sheriffs return on the writ, and the whereabouts of said defendant being unknown, and/or if dead their heirs are unknown, then therefore, and attorney at law should be appointed by this court to act as Curator ad Hoc upon whom services of legal process may be served during these procedures,

IT IS ORDERED that Robert G. Creely, attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in the proceedings.

Gretna, Louisiana, this 2nd day of ~~May~~ June, 1992.

JUDGE

ON MINUTES JUN 4 1992

V E R I F I C A T I O N

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, a Notary Public, appeared George B. Dean, Jr., who declares that he is the attorney for plaintiff and that the allegations of the foregoing Motion & Order to Appoint Curator are true and correct to the best of his knowledge, information and belief.

George B. Dean, Jr.

SWORN TO AND SUBSCRIBED before me this 28th day of May, 1992.

Notary Public

LAST KNOWN ADDRESS:
240 Butler Ave
Avondale

ISSUED not of appt
DATE JUN 10 1992
S/ MYRA LANDIX

TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 432904

DIV

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NATIONAL MORTGAGE COMPANY

Plaintiff

vs.

SYE JOSEPH ELLIS (A/K/A SYE J. ELLIS) AND GLORIA HATCHER ELLIS (A/K/A GLORIA ELLIS AND GLORIA VIRGINIA HATCHER ELLIS)

Defendant

JANE FAIA MENTZ

Attorney for Plaintiff

Attorney for Defendant

Date of Filing MAY 4, 1992 cs

HP Exhibit 0189 (142)

3308

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92-0293

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 432-904 DIVISION "A"

NATIONAL MORTGAGE COMPANY

VERSUS

SYE JOSEPH ELLIS
(A/K/A SYE J. ELLIS)

AND

GLORIA HATCHER ELLIS
(A/K/A GLORIA ELLIS AND GLORIA VIRGINIA HATCHER ELLIS)

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of National Mortgage Company, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant, Gloria Hatcher Ellis (a/k/a Gloria Ellis and Gloria Virginia Hatcher Ellis), is unknown as appears from the Sheriff's return of the citation on file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant, and accordingly, defendant cannot be found and served, and diligent effort has been made to locate said defendant.

II.

It is necessary for the Court to appoint an attorney at law as curator ad hoc for the defendant, Gloria Hatcher Ellis (a/k/a Gloria Ellis and Gloria Virginia Hatcher Ellis).

IT IS ORDERED BY THE COURT, that Robert L. Creely attorney at law be and he is hereby appointed curator ad hoc for defendant Gloria Hatcher Ellis (a/k/a Gloria Ellis and Gloria

ISSUED not appt
DATE JUN 24 1992
S/ MYRA LANDIX

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Virginia Hatcher Ellis), in these proceedings and that a Writ of Seizure and Sale issue herein, and be served upon said attorney at law.

Gretna, Louisiana, this 22nd day of June, 19 92.

JUDGE

ON MINUTES
JUN 24 1992

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: Stacy Wheat

JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
STACY C. WHEAT
Louisiana Bar Roll No. 19826
Attorneys for Plaintiff
3850 N. Causeway Blvd., Suite 710
Metairie, LA 70002
(504) 831-7726

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 432990

DIV. A
JUDGE
C. THOMAS PORTEOUS, JR.

DIV _____

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Plaintiff

vs.

TINA SIMON KIDD AND QUINTIN LEE KIDD AND DENISE COUSIN FIELDS AND DAVID P. FIELDS

Defendant

RADER JACKSON

Attorney for Plaintiff

Attorney for Defendant

Date of Filing MAY 6, 1992 cs

HP Exhibit 0189 (143)

3311

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LI-92-04469

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 432-990 DIVISION A

FEDERAL NATIONAL MORTGAGE ASSOCIATION
vs.
TINA SIMON KIDD and QUINTIN LEE KIDD
and
DENISE COUSIN FIELDS and DAVID P. FIELDS

FILED: _____ 19____ DEPUTY CLERK_____

MOTION TO APPOINT CURATOR

I.

ON MOTION of the plaintiff herein, who moves the Court for the appointment of a Curator ad Hoc on behalf of the defendant(s), Quintin Lee Kidd, Tina Simon Kidd, Denise Cousin Fields and David P. Fields, because from an examination of the record herein and more particularly the return of the Sheriff of the Parish of Jefferson, on the Notice of Three Day Demand for Payment to be served on said defendant(s), it appears that the Sheriff has been unable to serve same after a due and diligent search therefor at the last known address in Louisiana.

II.

Accordingly, Mover shows that the said defendant(s) are absentees from this State, even though same may in fact be found within this State, all according to the definition of Article 5251 (1) Of the Louisiana Code of Civil Procedure, and that plaintiff is entitled to have an Attorney at Law appointed as Curator ad Hoc for the unrepresented and absent defendant(s).

not of appt w/not of demand

JUN 16 1992

DATE

S/ MYRA LANDRY
Deputy Clerk

CODED

0 6 1 7 9 2 0 0 2 9 4

LI-92-04469

O R D E R

THE ABOVE and foregoing Motion is GRANTED:

Let Robert L. Cicely, Attorney at Law
Law, _____ (Service Address)
be appointed Curator ad Hoc for the absent and unrepresented defendants, Quintin Lee Kidd, Tina Simon Kidd, Denise Cousin Fields and David P. Fields.

Gretna, Louisiana, this 15th day of June, 1992.

ON MINUTES
JUN 16 1992

J U D G E

Respectfully Submitted:

SHUSHAN, MEYER, JACKSON & McPHERSON
ATTORNEYS FOR PLAINTIFF

BY: _____
RADER JACKSON (atty bar code 7197)
Suite 1500, 1010 Common Street
New Orleans, Louisiana 70112
(504) 581-7169

1) Please serve a copy of this Motion and Notice of Appointment on Curator.

2) Please send a copy of this Motion to the Sheriff, 'Attn: Real Estate Civil Seizures'.

3) Please serve the Sheriff's Notice of Three Day Demand for Payment on the defendants thru the above appointed Curator.

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

№ 433124

DIV A

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

SUCCESSION OF JAMES NORMAN GISCLAIR

Plaintiff

vs.

Defendant

VALLERIE OXNER

Attorney for Plaintiff

Attorney for Defendant

Date of Filing MAY 8, 1992 CS

HP Exhibit 0189 (144)

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 433-124 DIVISION "A"

SUCCESSION OF JAMES NORMAN GISCLAIR

FILED FOR RECORD '94 JAN 7 AM 9 45 DEPUTY CLERK PARISH OF JEFFERSON, LA.

FILED: _____ _____ DEPUTY CLERK

PETITION TO BE SENT INTO POSSESSION

The Petition of Mary Faith Gisclair Heine, individually and as testamentary executrix, of Dorothy Dean Billedeau Gisclair, of Angela Gisclair Camardelle, Paula Gisclair Bradberry, Daryn James Gisclair, and Mary JoAnn Gisclair, all persons of the full age and of majority and domiciled in the Parish of Jefferson, State of Louisiana, and of Paul Bryant Gisclair, a person of the full age of majority and a resident of the Parish of St. Charles, State of Louisiana, and of Beverly Ann Gisclair Harding, a person of the full age of majority and a resident of the Parish of St. Tammany, State of Louisiana, with respect shows:

1.

A Tableau of Distribution of Mary Faith Gisclair Heine, testamentary executrix of this Succession, was homologated by this Court on November 5, 1993. The succession assets include cash sufficient to pay all of the charges and debts shown in that Tableau.

2.

The decedent, James Norman Gisclair, died testate on October 8, 1991 while domiciled in the Parish of Jefferson.

3.

The decedent, was married but three times: firstly, to Ethel Baker Gisclair from whom he was divorced on May 1, 1947 in the State of New Jersey; secondly, to Beverly Gomes Gisclair who predeceased him on August 26 1970; and thirdly, to Dorothy Dean Billedeau Gisclair, with whom he was living and residing at the time of his death.

ISSUED Pet Order

DATE JAN 12 1994

S/ MYRA LANDIX CODED

Deputy Clerk

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4.

The decedent had eight (8) children: James Norman Gisclair, Jr., whose was born of his marriage to Ethel Baker Gisclair; Paul Bryant Gisclair, Mary Faith Gisclair Heine, Beverly Ann Gisclair Harding, all born of his marriage to Beverly Gomes Gisclair; and Angela Gisclair Camardelle, Paula Gisclair Bradberry, Daryn James Gisclair, and Mary JoAnn Gisclair, all of whom he adopted while he was married to Dorothy Dean Billedeau Gisclair. The decedent had no other children whatsoever.

5.

The testament of the decedent has been probated by this Court.

6.

In his testament, the decedent bequeathed one-half of his entire estate and his automobile to his wife, Dorothy Dean Billedeau Gisclair. Dorothy Dean Billedeau Gisclair has already been placed in possession of the automobile.

7.

In his testament, the decedent left one-half of his entire estate to be divided equally among his children, Paul Bryant Gisclair, Mary Faith Gisclair Heine, Beverly Ann Gisclair Harding, Angela Gisclair Camardelle, Paula Gisclair Bradberry, Daryn James Gisclair, and Mary JoAnn Gisclair.

7.

Further in his last will and testament, the decedent disinherited his son, James Norman Gisclair, Jr. on the grounds that he knew how to contact the decedent; however, he had not had contact with the decedent, without just cause, for a period in excess of two (2) years after attaining the age of majority; during said period he was able to do so and was not in the military forces of the United States.

8.

Petitioners accept the bequests and succession made to them unconditionally, and desire to be placed into possession of their interest in the estate of the decedent.

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9.

There is no necessity for a further administration of this succession, and the Petitioners desire that Mary Faith Gisclair Heine be discharged as executrix, and they further waive the requirement of any further accounting by the executrix.

10.

The Petitioners further desire that this Court execute the last will and testament of the decedent and recognize that James Norman Gisclair, Jr. has been disinherited by the decedent, and therefore, not entitled to a share as a forced heir of the estate of his father.

11.

James Norman Gisclair, Jr. is a non-resident of the State of Louisiana, and is therefore an absentee within the meaning of Louisiana law.

12.

It is therefore necessary that an attorney at law be appointed to represent the absentee.

WHEREFORE, Petitioners pray that:

1. An attorney at law be appointed to represent James Norman Gisclair, Jr.
2. He be ordered to show cause at a date and hour to be fixed by this Court why the Petitioners should not be sent into possession of the residue of this succession remaining in the hands of the executrix after payment of all of charge and debts listed on the Tableau of Distribution;
3. Why the last will and testament of James Norman Gisclair should not be enforced as it is written, and why judgment should not be rendered recognizing that James Norman Gisclair, Jr. was disinherited and therefore not entitled to inherit from the succession of James Norman Gisclair; and
4. In due course why Judgment should not be rendered

recognizing Petitioner, Dorothy Dean Billedeau Gisclair, as a legatee of the decedent, as owner and sent into possession of one-half of the immoveable property belonging to the estate of decedent; and why Petitioners, Paul Bryant Gisclair, Mary Faith Gisclair Heine, Beverly Ann Gisclair Harding, Angela Gisclair Camardelle, Paula Gisclair Bradberry, Daryn James Gisclair, and Mary JoAnn Gisclair, should not be recognized as legatees and as owners sending them into possession, in equal shares, of one-half of the succession remaining in the hands of the executrix after payment of charges and debts.

Respectfully submitted,

Vallerie Oxner

VALLERIE OXNER
526 Rue St. Louis, Suite 302
New Orleans, Louisiana 70130
Telephone: (504) 561-8129
La. Bar No. 7545

FILED
JAN 7 1994
DEPUTY CLERK

VERIFICATION

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned Notary, personally appeared:

Paul Bryant Gisclair, Mary Faith Gisclair Heine, Beverly Ann Gisclair Harding, Angela Gisclair Camardelle, Paula Gisclair Bradberry, Daryn James Gisclair, Mary JoAnn Gisclair, and Dorothy Dean Billedeau Gisclair,

each of whom were first duly sworn by me and each of whom did depose that:

They have read the above Petition and all of the allegations of facts contained therein are true and correct.

Paul B. Gisclair, Sr.
Paul Bryant Gisclair

Mary Faith Gisclair Heine
Mary Faith Gisclair Heine

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

C 4 1 1 3 0 0 0 4

Beverly Ann Gisclair Harding

Angela Gisclair Camardelle

Paula Gisclair Bradberry

Daryn James Gisclair

Mary JoAnn Gisclair

Dorothy Dean Billedeau Gisclair

SWORN TO AND
SUBSCRIBED BEFORE
ME, THIS 4th
DAY OF January,
1994.

NOTARY PUBLIC

ORDER

Considering the above Petition of Possession:

IT IS ORDERED:

Robert G. Creely, an attorney at law, qualified to practice in this state is appointed attorney to represent James Norman Gisclair, Jr.

IT IS FURTHER ORDERED:

That James Norman Gisclair, Jr. show cause on the 25th day of February, 1994 at 9:30 o'clock a.m. why the Petitioners should not be sent into possession of the estate of James Norman Gisclair as prayed for and further why a Judgment

1130004

should not be rendered in this matter recognizing that James Norman Gisclair, Jr. was disinherited by the testator and therefore is not entitled to inherit from the estate.

Gretna, Louisiana, this 10th day of January, 1994.

CODED

ON MINUTES
JAN 12 1994

JUDGE

PLEASE SERVE:

Attorney appointed to represent
James Norman Gisclair, Jr.

1-7-94
I HEREBY CERTIFY THAT ALL COUNTS INCLUDED IN THIS MATTER HAVE BEEN PAID
Deputy Clerk

cm. fee
200.00

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 433440

DIV A

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

SUCCESSION OF MURIEL JEFFERS WILLIS

vs.

Plaintiff

Defendant

ALAN P. DUSSOUY

Attorney for Plaintiff

Attorney for Defendant

Date of Filing MAY 14, 1992 cs

HP Exhibit 0189 (145)

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 433-440 DIVISION "A"

SUCCESSION

OF

MURIEL JEFFERS WILLIS

FILED: _____ _____
DEPUTY CLERK

PETITION FOR APPOINTMENT OF
ATTORNEY FOR ABSENT HEIR

The petition of Marsha C. Maestri, who is domiciled in Jefferson Parish and is appearing as executrix of this succession, respectfully represents that:

1.

The testament of the deceased, Muriel Jeffers Willis, dated June 29, 1978 and codicil dated December 29, 1980, have been probated by this Court and ordered executed.

2.

Petitioner has filed a Petition for Declaratory Judgment herein for the purpose of having this Court interpret the testament and codicil.

3.

All the legatees affected by a declaratory judgment have been contacted and have executed an Acceptance of Service and Waiver of Citation and All Delays thereby agreeing to the interpretation of the testament and codicil as set forth in the petition, except Flora Jane Jeffers.

4.

Despite diligent effort, petitioner has been unable to locate Flora Jane Jeffers. She is therefore an absentee within the meaning of Louisiana Law.

5.

It is therefore necessary that an attorney at alw be appointed to represent the absentee.

ISSUED not appt
CODED DATE OCT 21 1992
S/ MYRA LANDIX
Deputy Clerk

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(2)

WHEREFORE, petitioner prays that an attorney at law be appointed to represent the absentee, Flora Jane Jeffers.

ALAN P. DUSSOUY (05235)
1465 North Broad Avenue
New Orleans, Louisiana 70119
Telephone: 947-1124
Attorney for Succession

ORDER

Considering the above petition, Robert G. Cecly, attorney at law, qualified to practice in this State, is appointed attorney to represent Flora Jane Jeffers.

Gretna, Louisiana, this 20th day of October, 1992.

CODED

JUDGE

ON MINUTES
OCT 21 1992

PLEASE SERVE:

The Appointed Attorney:

(With copies of Petition for Appointment of Attorney for Absent Heir, Petition for Declaratory Judgment, Last Will and Testament and Codicil)

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

37-49-87

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

VS.

Plaintiff

Defendant

Attorney for Plaintiff

Attorney for Defendant

Date of Filing.

JUDGE JOSEPH F. CREFER

HP Exhibit 0189 (146)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 374-987 DIVISION "C"

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VERSUS

RUTH HIMELFARD, WIFE OF/AND MICHAEL GEORGE SEMBER

FILED: _____ _____
DEPUTY CLERK

MOTION AND ORDER TO APPOINT CURATOR

NOW INTO COURT, comes Pelican Homestead and Savings Association, through undersigned counsel, which respectfully represents that:

I.

That, the said Ruth Himelfard, wife of/and Michael George Sember are absentees under Louisiana Code of Civil Procedure Article 5251 since they are non-residents of this State. Their last known address is 1500 Lorene Street, Harvey, Louisiana 70058. Therefore, it will be necessary to appoint an attorney at law to represent the absentees under Louisiana Code of Civil Procedure Article 5091.

WHEREFORE, petitioner prays that an attorney at law be appointed to represent the absentees, Ruth Himelfard, wife of/and Michael George Sember in accordance with Louisiana Code of Civil Procedure Article 5091.

BALDWIN & HASPEL:

JEANNIE M. RANDAZZO (Bar #11101)
JANET D. DILZELL (Bar #14217)
LANCE J. ARNOLD (Bar #18768)

BY: _____
Attorneys for Petitioner
2121 Airline Highway, 5th Floor
Metairie, LA 70001
(504) 836-8480

WORK\MOSEMBER.01J

ISSUED Notice Appoint & Cit & Pet & Motion
DATE MAR 23 1990
Deputy Clerk

FILED APR 19 '90

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 374-987 DIVISION "C"

PELICAN HOMESTEAD AND SAVINGS ASSOCIATION

VERSUS

RUTH HIMELFARD, WIFE OF/AND MICHAEL GEORGE SEMBER

FILED: _____ _____ DEPUTY CLERK

FILED MAR 16 1990 DEPUTY CLERK

ORDER

Considering the above and foregoing petition, let Robert D Curry be appointed to represent the absentees, Ruth Himelfard, wife of/and Michael George Sember, in accordance with Louisiana Code of Civil Procedure Article 5091.

Gretna, Louisiana, this 16th day of March, 1990.

_____ JUDGE

CODED

PLEASE SERVE
CITATION AND PETITION
AS WELL AS THIS MOTION AND ORDER
ON ATTORNEY AT LAW APPOINTED
TO REPRESENT THE ABSENTEES
RUTH HIMELFARD SEMBER
MICHAEL GEORGE SEMBER

_____

_____

_____

WORK\MOSEMBER.01J

CODED

3-16-90 19

I, HEREBY CERTIFY THAT ALL COSTS INCURRED IN THIS MATTER HAVE BEEN PAID.

Deputy Clerk

$200.00 Curator Fee

FILED MAR 19 '90

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

37-37-82

DIV. A
JUDGE
G. THOM[illegible] [illegible]OUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

LEADER FEDERAL SAVINGS AND LOAN ASSOCIATION

VS. *Plaintiff*

MARGIE VERDON, WIFE OF/AND LAYMAN A. SAVOIE, AND PAMELA ALLEMAN WIFE OF/AND MARTY ANTHONY SAVOIE, AND MARILYN WASHINGTON WIFE OF/AND ALFRED BARTOSTE

Defendant

JAMES C. ARCENEAUX, III

Attorney for Plaintiff

Attorney for Defendant

Date of Filing. DECEMBER 20, [illegible]

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HP Exhibit 0189 (147)

220.00

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DIV. A
JUDGE
THOMAS PORTEOUS, JR.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 373-782 DIVISION " "

LEADER FEDERAL SAVINGS AND LOAN ASSOCIATION

VERSUS

MARGIE VERDON, WIFE OF/AND LAYMAN A. SAVOIE
AND PAMELA ALLEMAN, WIFE OF/AND MARTY ANTHONY SAVOIE
AND MARILYN WASHINGTON, WIFE OF/AND ALFRED BAPTISTE, SR.

FILED: _____ _____
DEPUTY CLERK

FILED FOR RECORD
Dec 20 1 20 PM '88
DY CLERK
PARISH OF JEFFERSON LA

PETITION FOR EXECUTORY PROCESS

TO THE HONORABLE, THE JUDGES OF THE 24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON, STATE OF LOUISIANA

The petition of Leader Federal Savings and Loan Association, a federally chartered savings and loan, created by acts of Congress, having its principal place of business in Memphis, Tennessee, mailing address P. O. Box 1860, Memphis, Tennessee 38101-1860, with respect, represents:

I.

Petitioner is the holder and owner, for valuable consideration before maturity, of a promissory note executed by Margie Verdon, wife of/and Layman A. Savoie who were residents of and domiciled in the Parish of Jefferson, State of Louisiana, payable to the order of Bearer in the principal sum of $47,500.00 dated June 20, 1983 payable at Leader Federal Savings and Loan Association, Memphis, Tennessee, or at such other place as the holder may designate in writing, in fixed monthly installments, including principal and interest of $488.59 commencing on the first day of August, 1983 and payable in full on or before the first day of July, 2013. The said note bears interest at the rate of 12.0% percent per annum on the unpaid balance from date until paid and which said note is paraphed "Ne Varietur" for identification with an Act of Credit Sale dated June 20, 1983 and passed before Deryle A. Bourgeois, Notary Public in and for the

filed note & mtg. in vault 12/20/88 NR

ISSUED Not of Appt. & Fil.
DATE JAN 5 1989
V. A. Kincaster
Deputy Clerk

Parish of Jefferson and two witnesses, and duly recorded MOB 884, folio 614, Parish of Jefferson, State of Louisiana, all of which will more fully appear from the original of said note, which is attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "A" and from a certified copy of the said Act, which is also attached hereto and made a part hereof and which is marked Plaintiff's Exhibit "B".

II.

The said mortgagors did, in the said act, waive all homestead exemptions to which they may be entitled under the Constitution and laws of the State of Louisiana.

III.

In the above mentioned Act, the mortgagors agreed that the property hereinafter described would remain specially mortgaged, affected and hypothecated in favor of Leader Federal Savings and Loan Association, lender or any future holder or holders of said note, until the full and final payment thereof, in principal, interest attorney's fees, taxes and costs and the mortgagors bound and obligated themselves not to sell, alienate or encumber the property to the prejudice of the Act of Mortgage.

IV.

In the above mentioned act, the said mortgagors confessed judgement on the note and consented that if same were not paid in accordance with the terms, conditions and stipulations of the said act, said property would be seized and sold under Executory Process.

V.

In the said act hereinabove referred to, the said mortgagors did specially mortgage, affect and hypothecate unto and in favor of the mortgagee, Leader Federal Savings and Loan Association and any and all other future holders of the note, the following described property situated in the Parish of Jefferson, State of

Louisiana, to-wit:

A CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon and all of the rights, ways, privileges, prescriptions, servitudes, advantages and appurtenances thereunto belonging or in anywise appertaining, situated in the State of Louisiana, Parish of Jefferson, in AMES GARDENS SUBDIVISION, being a resubdivision of original Lots Nos. H-321-D, H-321-E, and H-321-F of Lower Estelle Plantation, delineated on survey made by J.J. Krebs & Sons, Inc., April 14, 1967, approved by the Jefferson Parish Council on June 29, 1967, Ordinance No. 8328, copy of which is annexed to Act of Dedication and Acceptance of Streets in Ames Gardens Subdivision, passed before Neville M. Landry, N.P., dated July 18, 1967, and registered under Court Document Entry No. 504, 515, COB 663, folio 760 of Jefferson Parish, on September 7, 1967, said lot being designated and located as follows: LOT 4 of SQUARE "H", which said square is bounded by Geranium Drive, Joy Ann Drive (side), east boundary of subdivision and Dolores Drive, and said Lot 4, Square "H" measures 50 feet front on Geranium Drive, by a depth of and front on Dolores Drive of 103 feet, between equal and parallel lines. And according to survey by Wilton J. Dufrene, Land Surveyor, dated October 22, 1982, said lot has the same designation and measurements as above set forth and Square "H" is bounded by Geranium Drive, Joy Ann Drive (side), east boundary of subdivision, and Dolores Drive.

Improvements thereon bear Municipal No. 4781 Geranium Drive.

Being the same property acquired by Margie Verdon, wife of/and Layman A. Savoie on June 20, 1983, and further acquired by Pamela Alleman, wife of/and Marty Anthony Savoie on August 30, 1983, and further acquired by Marilyn Washington, wife of/and Alfred Baptiste, Sr. on July 1, 1986, registered in COB 1516, folio 274.

VI.

By Act of Cash Sale and Assumption of Mortgage executed August 30, 1983, before Deryle A. Bourgeois, Notary Public, the above described property was transferred by Margie Verdon wife of/and Layman A. Savoie to Pamela Alleman, wife of/and Marty Anthony Savoie, which said act is duly recorded in MOB 892, folio 374, Parish of Jefferson, Louisiana; the said assumptors did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the note and mortgage at the

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outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "C".

VII.

By Act of Cash Sale and Assumption of Mortgage executed July 1, 1986, before Deryle A. Bourgeois, Notary Public, the above described property was transferred by Pamela Alleman, wife of/and Marty Anthony Savoie to Marilyn Washington, wife of/and Alfred Baptiste, Sr., which said act is duly recorded in MOB 1579, folio 320, Parish of Jefferson, Louisiana; the said assumptors did assume, bind and obligate themselves to pay in full the certain mortgage note hereinabove described and to comply with all the terms and conditions of said note and mortgage, to the same extent as if they were the makers of the note and mortgage at the outset, all of which will more fully appear from a certified copy of said Act of Cash Sale and Assumption of Mortgage, which is also attached hereto and made a part hereof, and which is marked Plaintiff's Exhibit "D".

VIII.

The reverse of the above described note bears an endorsement in blank with an accompanying paraph identifying the endorsement with an assignment dated September 20, 1983. In truth and in fact, the assignment was never completed and the said note was paraphed in error inasmuch as the note was never transferred by Leader Federal Savings and Loan Association and has remained in their possession from the date it was executed. Accordingly, the incomplete endorsement and accompanying paraph should be disregarded and should be treated as of no effect whatsoever.

IX.

The petitioner herein, Leader Federal Savings and Loan Association, has been advised that the current whereabouts of

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Margie Verdon, wife of/and Layman A. Savoie, two of the defendants herein, are unknown, and the current whereabouts of Marilyn Washington, wife of/and Alfred Baptiste, Sr., two of the defendants herein, are also unknown and it will therefore be necessary for this Honorable Court to appoint a Curator ad Hoc to represent the absent defendants.

X.

The assumptors having failed to make the payments required under the terms of their mortgage, are in default under the terms of said mortgage and Leader Federal Savings and Loan Association as the last holder of the note, after having given due notice to assumptors herein, has exercised its option to accelerate the mortgage and declare the balance of the note, including principal, interest, insurance and attorney's fees, due and payable, inasmuch as petitioner's records reflect unpaid installments from April 1, 1988 to date.

WHEREFORE, petitioner prays that the Court appoint a Curator-ad-Hoc to represent the absent defendants Margie Verdon, wife of/and Layman A. Savoie and Marilyn Washington, wife of/and Alfred Baptiste and further, petitioner prays for an order of Executory Process herein, and further, that a writ of seizure and sale issue herein directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell with appraisement and, after due advertisement, delays, requisites and formalities, free and clear of all homestead rights and exemptions, the property hereinabove described, according to law, for cash, to pay and satisfy the claim of petitioner, the principal sum of $46,486.42 with 12.0% percent interest thereon from March 1, 1988 until paid, together with $168.83 advanced in June, 1988 for flood insurance, together with reasonable attorney's fees on the total amount of principal, interest and all current and future advances, together with all costs of these proceedings; that out of the proceeds of the sale, petitioner be

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paid the amount of its claim in preference and priority over all other persons herein.

GRAHAM & ARCENEAUX

BY: James C. Arceneaux

James C. Arceneaux, III
Bar Roll No. 2524
Attorney for Petitioner
1210 First N.B.C. Bldg.
New Orleans, LA 70112
(504) 522-8256

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DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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FILED
JAN 3 1989
DEPUTY CLERK

ORDER

Considering the allegations of the foregoing petition and Exhibits annexed thereto, let Executory Process issue herein; It is ordered that a writ of seizure and sale issue herein forthwith, as prayed for, according to law, with appraisement.

Gretna, Louisiana
January 3, 1989

ON MINUTES
JAN 4 1989
JUDGE

FILED
JAN 3 1989
DEPUTY CLERK

ORDER

Let Robert G. Creely, Esq. be appointed Curator ad-Hoc to represent the absent defendants, Margie Verdon, wife of/and Layman A. Savoie and Marilyn Washington, wife of/and Alfred Baptiste, Sr.

Gretna, Louisiana
January 3, 1989

ON MINUTES
JAN 4 1989
JUDGE

CODED

PLEASE SERVE:

_____, Esq.
Curator ad Hoc to represent the absent defendants Margie Verdon, wife of/and Layman A. Savoie and Marilyn Washington, wife of/and Alfred Baptiste, Sr.

Pamela Alleman, wife of/and
Marty Anthony Savoie
2613 Long Branch Drive
Marrero, LA 70072

With notice of seizure and sale
(notice of demand waived)

A TRUE COPY OF THE ORIGINAL
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DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 433676

DIV _____

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FORD CONSUMER FINANCE COMPANY, INC.

Plaintiff

vs.

CHARLES L. BILLIOT AND HELEN DILLARD BILLIOT

Defendant

CHARLES K. WATTS

Attorney for Plaintiff

Attorney for Defendant

Date of Filing MAY 20, 1992 c s

3335

HP Exhibit 0189 (148)

P1 2 0 3 1 0 0 9 1 0 5

FORD CONSUMER FINANCE COMPANY, INC.

VERSUS

CHARLES L. BILLIOT AND HELEN DILLARD BILLIOT

SUIT: 433-676 DIV: A

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

MOTION TO APPOINT CURATOR

NOW INTO COURT, through undersigned counsel, comes Ford Consumer Finance Company, Inc., plaintiff in the above entitled and numbered proceeding, who respectfully represents that:

1.

Plaintiff filed a Petition for Mortgage Foreclosure by Executory Process on May 20, 1992.

2.

The defendants, Charles L. Billiot and Helen Dillard Billiot, are absent and are not represented by an attorney or agent willing to accept service or process in this state, and cannot be found in Louisiana, and served with said pleadings, although a diligent effort has been made by the Sheriff.

3.

Therefore, plaintiff requests that an attorney at law be appointed to represent the defendants, Charles L. Billiot and Helen Dillard Billiot, under the provisions of Articles 5091 of the Louisiana Code of Civil Procedure, upon whom service of all notices required for suit shall be made.

WHEREFORE, plaintiff, Ford Consumer Finance Company, Inc., respectfully moves this Honorable Court to appoint an attorney at law to represent Charles L. Billiot and Helen Dillard Billiot under the provisions of Articles 5091 of the Louisiana Code of Civil Procedure, upon which said attorney all notices shall be given in the manner prescribed by law, and contradictorily with whom this suit shall be prosecuted, and that he be served with a copy of the Petition for Executory Process and that after due proceedings are had herein, that there be judgment in favor of petitioner, Ford Consumer Finance Company, Inc., and against the defendants as prayed for in the original petition filed herein.

ISSUED not of appt

DATE AUG 07 1992

S/ MYRA LANDIX

LAW OFFICES
SEALE, SMITH, ZUBER & BARNETTE
TWO UNITED PLAZA, SUITE 200
8550 UNITED PLAZA BOULEVARD
BATON ROUGE, LOUISIANA 70809
(504) 922-4400

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Respectfully Submitted,

SEALE, SMITH, ZUBER & BARNETTE

CHARLES K. WATTS, #13279
ANTHONY J. RUSSO, JR., #19138
Two United Plaza, Suite 200
8550 United Plaza Boulevard
Baton Rouge, Louisiana 70809
(504) 922-4400

LAW OFFICES
SEALE, SMITH, ZUBER & BARNETTE
TWO UNITED PLAZA, SUITE 200
8550 UNITED PLAZA BOULEVARD
BATON ROUGE, LOUISIANA 70809
(504) 922-4400

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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FORD CONSUMER FINANCE COMPANY, INC.

VERSUS

CHARLES L. BILLIOT AND HELEN DILLARD BILLIOT

SUIT: 433-676 DIV: A

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared,

Anthony J. Russo, Jr.,

who being by me first duly sworn, did depose and say that:

I am the attorney for the plaintiff herein. I have read the above and foregoing Motion and that all of the facts stated therein are true and correct to the best of my knowledge, information, and belief.

Anthony J. Russo, Jr.

SWORN TO AND SUBSCRIBED before me at Baton Rouge, Louisiana, this 29th day of July, 1992.

Laurie B. Gilpage
Notary Public

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DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

LAW OFFICES
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BATON ROUGE, LOUISIANA 70809
(504) 922-4400

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FORD CONSUMER FINANCE COMPANY, INC.

VERSUS

CHARLES L. BILLIOT AND HELEN DILLARD BILLIOT

SUIT: 433-676 DIV: A

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

ORDER

Considering the foregoing:

IT IS HEREBY ORDERED that Robert G. Creely, an attorney at law admitted to practice before this Court, be and he or she is hereby appointed to represent Charles L. Billiot and Helen Dillard Billiot under the provisions of Article 5091 of the Louisiana Code of Civil Procedure of the State of Louisiana, and let the said attorney of law be served with all notices required by law for prosecution of this suit, and let said suit be prosecuted contradictorily with said attorney.

Gretna, Louisiana, this 4th day of August, 1992.

Judge, 24th Judicial District Court

CODED

ON MINUTES AUG 5 1992

LAST KNOWN ADDRESS OF DEFENDANT

Charles L. Billiot
Helen Dillard Billiot
1940 Green Oak Drive
Gretna, Louisiana 70056

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

LAW OFFICES
SEALE, SMITH, ZUBER & BARNETTE
TWO UNITED PLAZA, SUITE 200
8550 UNITED PLAZA BOULEVARD
BATON ROUGE, LOUISIANA 70809
(504) 922-4400

№ 434713

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

DIV

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Plaintiff

vs.

VANDA GREENWOOD COLLINS (A/K/A VANDA GREENWOOD, VANDA GREENWOOD FORRES AND VANDA G. FORRES) AND JESSICA ELIZABETH FORRES AND BERYL ANN FORRES STEILBERG (A/K/A BERYL A. STEILBERG) AND ROBERT W. STEILBERG (A/K/A ROBERT WAYNE STEILBERG)

Defendant

JANE FAIA MENTZ

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JUNE 11, 1992 cs

3340

HP Exhibit 0189 (150)

$265

CODED

91-0978

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

NO. 434-713 DIVISION

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

VANDA GREENWOOD COLLINS
(A/K/A VANDA GREENWOOD, VANDA GREENWOOD FORRES AND VANDA G. FORRES)

AND

JESSICA ELIZABETH FORRES

AND

BERYL ANN FORRES STEILBERG
(A/K/A BERYL A. STEILBERG)

AND

ROBERT W. STEILBERG
(A/K/A ROBERT WAYNE STEILBERG)

FILED FOR RECORD
'92 JUN 11 PM 4:42
DEPUTY CLERK
PARISH OF JEFFERSON, LA.

CODED

FILED: _____ _____
DEPUTY CLERK

PETITION FOR EXECUTORY PROCESS
WITHOUT BENEFIT OF APPRAISAL
REQUESTING ISSUANCE OF THREE (3) DAY NOTICE OF DEMAND

The petition of Federal National Mortgage Association, a corporation organized under the laws of the United States of America, with respect represents:

I.

Petitioner is the holder and owner for valuable consideration, and before maturity, of that certain promissory note, payable to the order of "Security Homestead Association", made, subscribed and executed by, Albert B. Forres, III and Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres), which said note is dated March 6, 1979 in the original principal sum of One Hundred Thousand and No/100 ($100,000.00) Dollars with principal and interest payable at the rate of Eight Hundred Sixty-Nine and 15/100 ($869.15) Dollars per month, on or before the close of the last business day of each month, commencing

JUN 17 1992 file note & mortgage in vault

ISSUED 2 not of demand
not of demand / not of appt
DATE S/ MYRA LANDIX JUN 17 1992
Deputy Clerk

CODED

with the month of April, 1979 and bearing Nine and Three-Fourths (9.75%) percent per annum interest from date, and providing that said note shall bear attorney's fees in the amount of Ten (10%) percent of all sums due under said note, which said note is secured and is officially paraphed "Ne Varietur" for identification with an Act of Mortgage passed before Edmond G. Miranne, Jr., Notary Public, dated March 6, 1979 and which mortgage is recorded in Mortgage Office Book 761, folio 649, Entry Number 865455, Parish of Jefferson, State of Louisiana. Said note is secured by an Act of Mortgage in favor of "Security Homestead Association", on the following described property, to-wit:

> ONE CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in any wise appertaining situated in the PARISH OF JEFFERSON, State of Louisiana, in SQUARE NO. 4 of CHATEAU ESTATES LAKEFRONT, bounded by CARMENERE DRIVE, SYLVANER DRIVE, SUNSET BOULEVARD, CABERNET DRIVE, TRAMINER DRIVE, EASTERN & WESTERN BOUNDARIES OF SUBD. and LAKE PONTCHARTRAIN, designated as LOT NO. 34, on a survey made by R.P. Fontcuberta, Jr., Surveyor, dated March 5, 1979, a copy of which is annexed to the vendor's act of purchase, passed before Edmond G. Miranne, Jr., Notary Public, March 6, 1979 and according thereto, said LOT commences at a distance of 619.10 feet from the point which is the WESTERN BOUNDARY OF CHATEAU ESTATES LAKEFRONT SUBD., measures thence 60 feet front on CARMENERE DRIVE along a curved line having a radius of 50 feet, a width in the rear of 160 feet, by a depth on the sideline nearer to the EASTERN BOUNDARY OF SUBD. of 154.77 feet and a depth on the opposite sideline of 123.71 feet.

II.

Said note is endorsed "Pay to the Order of Federal Home Loan Bank of Little Rock, Security Homestead Association", however, as appears by the annexed affidavit by Resolution Trust Corporation as Receiver for Security Homestead Federal Savings Association, Successor to Security Homestead Association, said endorsement was not consummated and the endorsement has been duly cancelled on the rear of said note. Said note is further endorsed "Pay to the Order of Security Homestead Association, without recourse or warranty, Federal Home Loan Bank of Dallas", however, said endorsement was affixed in error and the endorsement has been duly cancelled on the rear of said note. Said note is further endorsed "Pay to the Order of The First National Bank of Commerce in New Orleans, without recourse, Security Homestead Association" and paraphed "Ne Varietur" to identify with an Act of Endorsement and Assignment

passed before Sidney M. Bach, Notary Public, dated March 29, 1984, which transferred said note from Security Homestead Association to The First National Bank of Commerce in New Orleans. Security Homestead Federal Savings Association is the successor to the assets of Security Homestead Association. In accordance with Order No. 89-1451, the Federal Savings and Loan Insurance Corporation was appointed as conservator for Security Homestead Association, and upon application by the Federal Savings and Loan Insurance Corporation and by Order No. 89-2256, dated August 7, 1986, the incorporation of and issuance of a federal charter for Security Homestead Federal Savings Association, was authorized and organized to take over the assets and liabilities of Security Homestead Association. Furthermore, the Acquisition Agreement between the Federal Savings and Loan Insurance Corporation as Receiver for Security Homestead Association and Security Homestead Federal Savings Association is recorded in the records of Jefferson Parish in Conveyance Office Book 832, folio 296, Instrument No. 812772. Accordingly, Security Homestead Federal Savings Association is the successor to the assets of Security Homestead Association. The Resolution Trust Corporation is successor in interest to Federal Savings and Loan Insurance Corporation as Conservator for Security Homestead Association pursuant to 12 USC Section 1421 A (b)(6). On May 23, 1991 Security Homestead Federal Savings Association was placed into receivership by the Office of Thrift Supervision by Order No. 91-302 and the Resolution Trust Corporation was appointed as Receiver for Security Homestead Federal Savings Association. Said note is further endorsed "Pay to the Order of Federal National Mortgage Association, without recourse, First National Bank of Commerce in New Orleans", which, together with an Act of Assignment passed before Louise A. Ferrand, Notary Public, dated August 17, 1990, transferred said note from the First National Bank of Commerce in New Orleans to Federal National Mortgage Association. Accordingly, Federal National Mortgage Association, your petitioner herein is the last holder and owner of said note.

III.

In the above described act of mortgage, the said mortgagors,

Albert B. Forres, III and Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres), confessed judgment upon said note and consented that if same were not paid in accordance with the terms and conditions thereof, that said property might be seized and sold by executory process for cash without appraisement, and without the necessity of legal demand for payment, or putting in default. The said act of mortgage further provides that said mortgagors do not have the right to sell, alienate or encumber the said property to the prejudice of the said act. The said act further provides that the mortgagors will pay the fees of the attorney employed to collect the said note and mortgage, which said fees are fixed at Ten (10%) percent of the amount sued upon. Said mortgagors have likewise waived all homestead exemptions.

IV.

The said note and mortgage further provide that if any installment of principal and interest, or any part thereof shall remain unpaid on the said date when such installment is due, that the said note would be in default and the holder of the said note and mortgage shall then have the right to accelerate the terms thereof in the full amount, and the full unpaid balance in principal and interest shall immediately become due and owing together with said attorney's fees.

V.

The said mortgage further provides that in the event any payment of principal or interest on said note or any charge due by the maker under the terms of this act are delinquent and not paid on or before the last business day of each month, the rate of interest due hereon shall be increased by the addition of interest, constituting a late charge, of one-half of one per cent (½ of 1%) on the unpaid principal, to continue during the period of the said delinquency. The assessment of said late charge is not to be construed as an increase in the rate of interest herein contracted for, and shall in no way affect the exercise of any other right granted to, or retained by, the Association.

VI.

Petitioner avers that the said note and mortgage are past due and exigible and that the monthly installment due on June 30, 1991 and all subsequent installments are due and unpaid, and that because of said default the entire unpaid principal balance in the sum of $85,249.60 together with interest at the rate of Nine and Three-Fourths (9.75%) percent per annum from May 31, 1991, together with a late charge in accordance with the terms of the mortgage since the June 30, 1991 payment became due, together with any additional amounts which petitioner has advanced or hereafter advances, as permitted by the Note and Mortgage, for taxes, assessments, repairs to and maintenance and preservation of the mortgaged property, together with attorney's fees in the amount of Ten (10%) percent of all sums due under said note and mortgage is now due, owing and unpaid.

VII.

Petitioner avers that the said Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) did, by an Act of Sale and Assumption of Mortgage passed before Pam Adams, Notary Public, dated January 15, 1987 and before S. Guy deLaup, Notary Public, dated January 23, 1987, recorded in Conveyance Office Book 1649, Page 0173, Mortgage Office Book 1810, Page 0304, Entry No. 8704024, Jefferson Parish, Louisiana, grant, bargain, sell and convey said property to Albert B. Forres, III. That in said Act of Sale and Assumption of Mortgage the said Albert B. Forres, III did assume and obligate himself to all of the original terms and conditions of the note and mortgage sued upon herein. Petitioner further avers that the said Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Albert B. Forres, III, did, by an Act of Community Property Settlement passed before Pam Adams, Notary Public, dated June 24, 1987 and before S. Guy deLaup, Notary Public, dated July 17, 1987, settle the community of acquets and gains existing between them and the said Vanda Greenwood Collins (a/k/a Vanda Greenwood Forres and Vanda G. Forres) did further transfer her undivided one-half interest in the property sued upon herein to

Albert B. Forres, III.

VIII.

Petitioner avers that the said Albert B. Forres, III died on or about April 21, 1989, that his succession was opened in Proceedings No. 380-900, Division "A", whereas a Judgment of Possession is recorded in Conveyance Office Book 2421, Page 037, Instrument No. 91-01585, Jefferson Parish, Louisiana. Whereas in said Judgment of Possession, rendered in said proceeding on August 29, 1990, Beryl Ann Forres Steilberg (a/k/a Beryl A. Steilberg) and Jessica Elizabeth Forres, a minor, were recognized as the decedent's sole heirs and placed into possession of an undivided three-quarter (3/4) and one-quarter (1/4) interests respectively of the property sued upon herein.

IX.

Petitioner avers that the said Jessica Elizabeth Forres, through her legal guardian, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) did, by an Act of Sale passed before a Notary Public and Kenneth J. Beck, Notary Public, dated January 10, 1991, recorded in Conveyance Office Book 2421, Page 039, Instrument No. 91-01586, Jefferson Parish, Louisiana, grant, bargain, sell and convey her undivided one-quarter (1/4) interest in said property to Beryl Ann Forres Steilberg (a/k/a Beryl A. Steilberg). That in said Act of Sale the said Beryl Ann Forres Steilberg (a/k/a Beryl A. Steilberg) did assume and obligate herself to all of the original terms and conditions of the note and mortgage sued upon herein.

X.

Petitioner annexes hereto and makes a part hereof the following documents (1) The original promissory note in the sum of One Hundred Thousand and No/100 ($100,000.00) Dollars and Allonge to original promissory note, marked as Plaintiff's Exhibit "A", (2) A certified true copy of the Act of Mortgage, marked as Plaintiff's Exhibit "B", (3) An affidavit by Resolution Trust Corporation as Receiver for Security Homestead Federal Savings Association Successor to Security Homestead Association of non-consummation and cancellation of endorsement to Federal Home Loan Bank of Little

Rock, marked as Plaintiff's Exhibit "C", (4) A certified true copy of Power of Attorney by Resolution Trust Corporation to Donald L. Fitzwater, marked as Plaintiff's Exhibit "D", (5) A certified true copy of the Act of Endorsement of Notes and Assignment of Mortgages by Security Homestead Association to First National Bank of Commerce, marked as Plaintiff's Exhibit "E", (6) A copy of Order No. 89-1451 appointing the Federal Savings and Loan Insurance Corporation as Conservator for Security Homestead Association, marked as Plaintiff's Exhibit "F", (7) A copy of Order No. 89-2256 the issuance of a federal charter for Security Homestead Federal Savings Association, authorized and organized to take over the assets and liabilities of Security Homestead Association, marked as Plaintiff's Exhibit "G", (8) A copy of the Acquisition Agreement between The Federal Savings and Loan Insurance Corporation as Receiver for Security Homestead Association and Security Homestead Federal Savings Association, marked as Plaintiff's Exhibit "H", (9) A copy of Order No. 91-0302 appointing the Resolution Trust Corporation as Receiver for Security Homestead Federal Savings Association, marked as Plaintiff's Exhibit "I", (10) A certified true copy of the Assignment by First National Bank of Commerce to Federal National Mortgage Association, marked as Plaintiff's Exhibit "J", (11) A certified true copy of the Act of Sale and Assumption of Mortgage by Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) to Albert B. Forres, III, marked as Plaintiff's Exhibit "K", (12) A certified true copy of the Community Property Settlement between Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Albert B. Forres, III, marked as Plaintiff's Exhibit "L", (13) A certified true copy of the Judgment of Possession of Parts of Legacies of the Succession of Albert B. Forres, III, marked as Plaintiff's Exhibit "M", and (14) A certified true copy of the Act of Sale by Jessica Elizabeth Forres to Beryl Ann Forres Steilberg (a/k/a Beryl A. Steilberg), marked as Plaintiff's Exhibit "N", and makes all a part hereof as though copied at length herein.

XI.

On information and belief petitioner alleges that the defendants, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Beryl Ann Forres Steilberg (a/k/a Beryl A. Steilberg), are not in the active duty of the military service of the United States of any of its allies. Petitioner further alleges that the defendants, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Jessica Elizabeth Forres, a minor, are currently residing in Palm Beach County, Florida and accordingly are absentee defendants. Petitioner alleges that it is entitled to the appointment of an attorney to represent defendants, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Jessica Elizabeth Forres, a minor, all in accordance with Civil Code of Procedure Article 5091.

XII.

Petitioner alleges amicable demand to no avail.

WHEREFORE, the premises and annexed documents and affidavit considered, petitioner prays that this court appoint a curator ad hoc to represent the absentee defendants, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Jessica Elizabeth Forres, a minor in these proceedings and further to represent the interest of the minor child, and that a Writ of Executory Process issue herein, that the Three (3) Day Notice of Demand be served upon said attorney at law appointed to represent the defendants, that after the necessary and proper delays be had, that a Writ of Seizure and Sale issue herein, directing the Civil Sheriff for the Parish of Jefferson, State of Louisiana, to seize, and after due advertisement, delays, requisites and formalities, save those expressly waived in the above described act of mortgage, to sell the said property described above according to the law, for cash and **without benefit of appraisal,** to pay and satisfy the claim of your petitioner in the full sum of $85,249.60 Dollars, with interest thereon at the rate of Nine and Three-Fourths (9.75%) percent per annum from May 31, 1991, together with a late charge of In the event any payment

of principal or interest on said note or any charge due by the maker under the terms of this act are delinquent and not paid on or before the last business day of each month, the rate of interest due hereon shall be increased by the addition of interest, constituting a late charge, of one-half of one per cent (½ of 1%) on the unpaid principal, to continue during the period of the said delinquency. The assessment of said late charge is not to be construed as an increase in the rate of interest herein contracted for, and shall in no way affect the exercise of any other right granted to, or retained by, the Association. Said late charge is due on each delinquent monthly installment of principal and interest since the June 30, 1991 payment became due, and any additional amounts which petitioner has advanced or hereafter advances, as permitted by the Note and Mortgage, and proves according to law, for taxes, assessments, repairs to and maintenance and preservation of the mortgaged property, together with attorney's fees in the amount of Ten (10%) percent of all sums due, owing and unpaid, and all costs of these proceedings, and petitioner prays to be paid the above amount by preference and priority over all persons whomsoever, and for all other general and equitable relief.

Respectfully submitted,

SHAPIRO AND KREISMAN

BY: Stacy C. Wheat

JANE FAIA MENTZ
Louisiana Bar Roll No. 16908
STACY C. WHEAT
Louisiana Bar Roll No. 19826
Attorneys for Petitioner
3850 N. Causeway Blvd.
Suite 710
Metairie, Louisiana 70002
Telephone No. (504) 831-7726

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

ORDER

CONSIDERING the allegations of the foregoing petition and the exhibits attached thereto, it is ordered that [illegible] attorney at law be and is hereby appointed to represent the absentee defendants, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Jessica Elizabeth Forres, a minor, and further to represent the interest of the minor child, herein.

IT IS FURTHER ORDERED that Executory Process issue immediately herein, as prayed for and according to law and that the writ of seizure be served upon all defendants and upon the attorney at law appointed to represent the absentee defendants, Vanda Greenwood Collins (a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres) and Jessica Elizabeth Forres, a minor, and further to represent the interest of the minor child.

Gretna, Louisiana, this 15th day of June, 1992

ON MINUTES

JUDGE

JUN 1 6 1992

PLEASE SERVE DEFENDANTS

_____

Attorney-at-Law appointed to
represent Vanda Greenwood Collins
(a/k/a Vanda Greenwood, Vanda Greenwood Forres and Vanda G. Forres)
and The attorney at law appointed to represent the interest of
the minor child, Jessica Elizabeth Forres

AND

Beryl Ann Forres Steilberg
(a/k/a Beryl A. Steilberg)
716 Carmenere Drive
Kenner, Louisiana 70065

AND

Robert W. Steilberg
(a/k/a Robert Wayne Steilberg)
716 Carmenere Drive
Kenner, Louisiana 70065

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

3351

DIV. A
JUDGE
E. THOMAS PORTEGUS, JR.

DIV

№ 434781

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

HIBERNIA NATIONAL BANK

Plaintiff

vs.

JULIE MCKEEHAN AND HOMER L. MCKEEHAN

Defendant

PETER S. THRIFFILEY

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JUNE 12, 1992 cs

HP Exhibit 0189 (151)

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

CASE NO. 434-781 DIVISION "A"

HIBERNIA NATIONAL BANK

VERSUS

JULIE MCKEEHAN AND HOMER L. MCKEEHAN

FILED: _____ DEPUTY CLERK: _____

MOTION FOR APPOINTMENT OF CURATOR

On Motion of Plaintiff HIBERNIA NATIONAL BANK, through its undersigned counsel, and upon suggesting to the Court that defendants, JULIE MCKEEHAN AND HOMER L. MCKEEHAN are subject to the jurisdiction of this court, however, the Sheriff has made a return "moved, unable to locate after due and diligent search" and plaintiff is informed and believes that the defendants have moved from the address of 213 West Louisiana State Drive, Kenner, Louisiana, and are currently residing at 2335 Atkinson Road, Apt. G-7, Biloxi, MS 39531 and have no agent or other legal representative in the State and no fixed place of residence with a person living there competent to receive service of process, and that it is therefore necessary that the Court appoint an attorney at law to represent the absentee defendants, JULIE MCKEEHAN AND HOMER L. MCKEEHAN and upon whom service of all process may be made.

IT IS ORDERED, that Robert J. Cooley be appointed as attorney at law to represent the absentee defendants, JULIE MCKEEHAN AND HOMER L. MCKEEHAN in these proceedings and upon whom service of all process may be made.

Gretna, Louisiana, this 1st day of September 1992.

JUDGE

FAVRET, DEMAREST, RUSSO & LUTKEWITTE
A Professional Law Corporation

PETER S. THRIFFILEY #12780
Attorney for Plaintiff
1515 Poydras Street, Suite 1400
New Orleans, LA 70112
(504) 561-1006

ON MINUTES SEP 1 1992

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

PLEASE SERVE:
CURATOR APPOINTED TO REPRESENT DEFENDANT

ISSUED Not of appt / not of judg

DATE SEP 04 1992

S/ MYRA LANDIX

Nº 435168

DIV

DIV. A
JUDGE
B. THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

COLONIAL MORTGAGE COMPANY

Plaintiff

vs.

JOHN THOMAS BLANCHETTE, JACQUELINE JOHNSTON BLANCHETTE, THOMAS CASEY, CHERYL TAYLOR CASEY, SANDRA RICHERSON REY AND MATTHEW REY

Defendant

JACKSON B. DAVIS

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JUNE 22, 1992 c s

HP Exhibit 0189 (152)

3353

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P1

COLONIAL MORTGAGE COMPANY	:	NO. 435-168 Div. A
VS	:	24TH JUDICIAL DISTRICT COURT
JOHN THOMAS BLANCHETTE JACQUELINE JOHNSTON BLANCHETTE THOMAS CASEY CHERYL TAYLOR CASEY SANDRA RICHERSON REY MATTHEW REY	:	JEFFERSON PARISH, LOUISIANA

CODED

AMENDED AND SUPPLEMENTAL PETITION

The amended and supplemental petition of Colonial Mortgage Company, with respect shows:

1.

Petitioner shows that it has made diligent search and inquiry as to the whereabouts of the defendants, John Thomas Blanchette, Jacqueline Johnston Blanchette, Thomas Casey, Cheryl Taylor Casey, Sandra Richerson Rey and Matthew Rey, to no avail, the Sheriff's return in the record indicating that they had attempted to make service on the said defendant, whose last known address was 411 Orion Avenue, Metairie, Louisiana, but they had moved and they were unable to serve them; petitioner alleges the said defendants are absentees and/or non-residents of the State of Louisiana, their whereabouts being unknown to petitioner, and an attorney at law should be appointed to represent the said absent defendents, John Thomas Blanchette, Jacqueline Johnston Blanchette, Thomas Casey, Cheryl Taylor Casey, Sandra Richerson Rey and Matthew Rey, upon whom service may be had and the proceedings carried on contradictorily.

WHEREFORE, MOVER PRAYS that the amended and supplemental petition be filed and allowed and that an attorney at law be appointed to represent the absent defendants, John Thomas Blanchette, Jacqueline Johnston Blanchette, Thomas Casey, Cheryl Taylor Casey, Sandra Richerson Rey and Matthew Rey.

JACKSON B. DAVIS Bar #4726
DAVIS & FLANAGAN
Attorneys for Petitioner
1400 Slattery Building
Shreveport, Louisiana 71101

ISSUED Not of appt
DATE OCT 05 1992
S/ MYRA LANDIX
Deputy Clerk

CODED

C2010601/30

COLONIAL MORTGAGE COMPANY	:	NO. 435-168 Div. A
VS	:	24TH JUDICIAL DISTRICT COURT
JOHN THOMAS BLANCHETTE JACQUELINE JOHNSTON BLANCHETTE THOMAS CASEY CHERYL TAYLOR CASEY SANDRA RICHERSON REY MATTHEW REY	:	JEFFERSON PARISH, LOUISIANA

ORDER

The above and foregoing petition considered:

IT IS ORDERED the amended and supplemental petition be filed and allowed.

IT IS ORDERED that Robert G. Cearley Attorney at Law, be appointed to represent the absent defendants, John Thomas Blanchette, Jacqueline Johnston Blanchette, Thomas Casey, Cherly Taylor Casey, Sandra Richerson Rey and Matthew Rey.

~~Shreveport~~ Gretna, Louisiana this 29th of September, 1992.

CODED ON MINUTES OCT 2 1992

JUDGE

Please Serve:
Mike Almerico
24th J.D.C.
Div "O"
2nd Floor Annex Bldg.
Gretna, Louisiana

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

№ 435714

DIV. A

JUDGE THOMAS PORTEBUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

COUNTRYWIDE FUNDING CORPORATION

Plaintiff

vs.

TAMMY MELIET ROY, SEPARETED WIFE OF/AND GERARD R. ROY

Defendant

IRA J. MIDDLEBERG

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JULY 2, 1992 cs

HP Exhibit 0189 (153)

3356

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CFC 1884-0034/ LOAN NO. 1099400

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 435-714 DIVISION "A"

FILED FOR RECORD
JUL 2 2 27 PM '92
BY CLERK OF COURT
PARISH OF JEFFERSON, LA.

COUNTRYWIDE FUNDING CORPORATION

VERSUS

TAMMY MELIET ROY, SEPARATED WIFE OF/AND GERARD R. ROY

file note & mortgage in vault

PETITION FOR EXECUTORY PROCESS ON MORTGAGE NOTE

The petition of COUNTRYWIDE FUNDING CORPORATION, a corporation organized under the laws of the State of New York, and authorized to do and doing business in the Parish of Jefferson, State of Louisiana, with respect represents that:

1.

a) Defendant, Tammy Meliet Roy, is a person of the full age of majority and resident of and domiciled in the Parish of Jefferson, State of Louisiana.

b) Defendant, Gerard R. Roy, is a person of the full age of majority whose whereabouts are unknown to petitioner.

2.

The defendants are jointly, severally and solidarily liable unto petitioner for the following reasons, to-wit:

3.

Petitioner is the holder and owner in due course for

ISSUED 2 not of demand not of Lpt

DATE JUL 10 1992 S/ MIRA LANDIX Deputy Clerk

COPIED

valuable consideration and before maturity of a certain promissory note executed by Tammy Meliet Roy wife of/and Gerard R. Roy, payable to the order of "COUNTRYWIDE FUNDING CORPORATION", in the principal sum of FORTY FIVE THOUSAND AND NO/100 ($45,000.00) DOLLARS, dated February 14, 1986, payable in monthly installments, including principal and interest, beginning April 1, 1986 and on the first day of each month thereafter until principal and interest are fully paid, the last monthly payment, if not sooner paid, being due and payable on March 1, 2016, and which note bears interest at the rate of 10.50% per annum on the unpaid balance from date, and which note was paraphed "Ne Varietur" for identification with and secured by an Act of Mortgage dated February 14, 1986, passed before Eric Oliver Person, Notary Public and two witnesses and recorded in Registry No. 8607187, and MOB 1425, folio 207, acquired at COB 1418, folio 149, of the official records for the Parish of Jefferson, State of Louisiana. The original of said note is attached hereto and made a part hereof and marked "P-1" for identification. A certified true copy of the Act of Mortgage is attached hereto and made a part hereof and marked "P-2" for identification.

4.

Further, plaintiff avers that it is the current holder of the aforesaid note, regardless of the endorsement mistakenly placed on the reverse of said note by Countrywide Funding Corporation.

5.

Tammy Meliet Roy did acquire the property described hereinbelow from Gerard R. Roy, by Settlement of Community dated September 13, 1988, and passed before Steven P. Rooney, Notary Public, and two witnesses and which Settlement of Community was duly recorded in COB 2043, folio 141, Registry No. 88-43188, of

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the official records for the Parish of Jefferson, State of Louisiana. A certified true copy of the Settlement of Community is attached hereto and made a part hereof and marked "P-3" for identification.

6.

By virtue of the aforementioned act(s), defendants did specially mortgage, affect and hypothecate unto and in favor of your petitioner, and any other holder or holders of said note, the following described property situated in the Parish of Jefferson, State of Louisiana, to-wit:

> ONE CERTAIN LOT OF GROUND, together with all the buildings and improvements thereon and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the CITY OF HARAHAN, PARISH OF JEFFERSON, STATE OF LOUISIANA, in that part thereof known as ROYLAND and designated as LOT 5 of SQUARE NO. 5. Said SQUARE NO. 5 is bounded by HARRIS AVENUE, POSEY AVENUE, FORTIER AVENUE, COLONIAL AVENUE and 12 foot reservation. LOT 5 commences at a distance of 281.7 feet from the corner of HARRIS AVENUE and POSEY AVENUE and measures thence 70 feet front on POSEY AVENUE, same width in the rear, by a depth of 174.98 feet 173± feet title on the sideline nearer HARRIS AVENUE and a depth on the opposite sideline of 174.57 feet (173 ± feet earlier title, 174.58 feet later title), all in accordance with a survey by Gilbert, Kelly & Couturie, Inc., Surveying & Engineering, dated July 23, 1976, found as shown on January 29, 1986.
>
> which has the address of **537 POSEY AVENUE, HARAHAN, LOUISIANA 70123.**

7.

By virtue of the act referred to in Paragraph 3 hereinabove, defendants confessed judgment upon the note, and consented that if the same was not paid in accordance with the terms and stipulations of said note and the aforesaid act(s), the property might be seized and sold under executory process, for cash and without appraisement.

8.

The defendants have failed to pay the installment due

January 1, 1992 and all subsequent installments due under said note.

9.

Defendants are therefore in default under the terms and conditions of the aforesaid note and act(s).

10.

Therefore, COUNTRYWIDE FUNDING CORPORATION, has exercised its right of acceleration as the holder of the aforesaid note and declares the entire balance of said note due and payable, which balance consists of unpaid principal in the amount of $43,315.89, interest at the rate of 10.50% per annum from December 1, 1991, until paid, together with 25% per cent upon said principal and interest, as attorney's fees, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

11.

By virtue of the terms of the aforementioned note and act(s) defendants agreed to pay the attorney's fees equal to 25% of the amounts due under said note for the attorney at law who might be employed to institute proceedings to recover the amounts due under said note.

12.

This Court has jurisdiction over the property affected and encumbered by the act described in Paragraph 3 hereinabove; but because defendant, Gerard R. Roy, is an absentee who cannot be served personally with process, an attorney at law should be appointed to represent him.

13.

By virtue of paragraph 19 of said Act of Mortgage, a notice of breach was sent to defendants. Copies of breach

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letters are attached hereto and marked "P-4" for identification.

WHEREFORE, the premises and annexed documents considered, petitioner prays for an order of executory process herein, that after notice of demand for payment, a writ of seizure and sale issue forthwith directing the Sheriff for the Parish of Jefferson, State of Louisiana, to seize and sell, after due advertisements, delays, requisites and formalities, the property hereinabove described, for cash and without appraisement, to pay and satisfy the claim of your petitioner in the principal sum of $43,315.89, with interest at the rate of 10.50% per annum from December 1, 1991 until paid, together with 25% per cent upon said principal and interest, as attorney's fees, together with all sums advanced for taxes and/or insurance; late charges; property preservation expenses; court costs expended; and sheriff's costs and commissions; as well as any and all other costs incurred in the prosecution of this matter.

Petitioner further prays that out of the proceeds of the sale, it be paid in preference and priority over all other persons and entities.

Petitioner further prays that an attorney at law be appointed to represent the absent defendant in this proceeding.

MIDDLEBERG, RIDDLE & GIANNA
201 ST. CHARLES AVENUE - 31ST FLOOR
NEW ORLEANS, LOUISIANA 70170-3100
TELEPHONE: (504) 525-7200
ATTENTION: FORECLOSURE DEPARTMENT

IRA J. MIDDLEBERG
BAR NO. 9640

PLEASE SERVE NOTICE OF DEMAND FOR PAYMENT ON:

TAMMY MELIET ROY
537 POSEY AVENUE
HARAHAN, LOUISIANA

AND

GERARD R. ROY
THROUGH COURT APPOINTED COUNSEL

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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O R D E R

CONSIDERING THE FOREGOING,

LET executory process issue herein as prayed for and according to law.

FURTHER, LET Robert F. Cuccia, attorney at law, be appointed to represent the absent defendant, Gerard R. Roy, in this proceeding.

GRETNA, LOUISIANA, this 7th day of July, 1992.

COPY

J U D G E

ON MINUTES
JUL 9 1992

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

№ 435939

DIV. A JUDGE THOMAS PORTEOUS, JR.

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

VANDERBILT MORTGAGE & FINANCE, INC.

Plaintiff

vs.

J. W. NETTLES AND PAMELA R. NETTLES

Defendant

LAWRENCE ROE DODD

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JULY 8, 1992 c s

3363

HP Exhibit 0189 (154)

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P01

24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 435939 DIVISION: A

VANDERBILT MORTGAGE AND FINANCE, INC.

VERSUS

J.W. NETTLES AND PAMELA R. NETTLES

FILED:_____ DEPUTY CLERK:_____

****

MOTION FOR CURATOR FOR UNREPRESENTED DEFENDANT IN EXECUTORY PROCEEDINGS

On motion of Lawrence Roe Dodd, attorney for the plaintiff, and on showing to the court that:

1.

The plaintiff is informed and believes and, therefore, alleges that **J.W. NETTLES AND PAMELA R. NETTLES**, defendant(s) herein, is an absentee, being absent and not represented in this state, or, is dead, no succession representative has been appointed and the deceased debtor's heirs and legatees have not been sent into possession, all as set out in La. C.C.P. art. 2674, as amended.

2.

That either the defendant debtor named above cannot be found and served, although due and diligent effort has been made by the sheriff; or, alternatively, the debtor(s) are known by the plaintiff herein to be absentees; or deceased, and such effort on the part of the sheriff would be useless.

3.

Therefore, whether or not the debtor(s) may still reside within the state, or should in truth and fact be deceased, an attorney at law should be appointed to represent them under the provisions of La. C.C.P. art. 5091 and art. 2674, as both have

SIGNED not of appt

DATE SEP 04 1992

S/ MYRA LANDIX

Deputy Clerk

CODED

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been amended, upon whom service of process or service of the notice of seizure herein may be made.

4.

The plaintiff has not been able to determine whether or not either debtor, if alive, is in the military service.

5.

Therefore, the attorney at law appointed to represent the debtor should also be appointed to represent him under the provisions of the Soldiers and Sailors Relief Act, as amended.

WHEREFORE, plaintiff respectfully prays that this Court appoint an attorney at law to represent the defendant(s) under the provisions of La. C.C.P. art. 5091 and art. 2674, as both have been amended, and under the provisions of the federal Soldiers and Sailors Relief Act, as amended; that said attorney be served with ANY NECESSARY LEGAL DOCUMENTS IN THE ABOVE MATTER; and that, after due proceedings have been had, there be seizure and sale of the subject property herein, all as earlier prayed for.

Respectfully submitted by
Attorney for plaintiff

LAWRENCE ROE DODD
8801 Bluebonnet Boulevard
Baton Rouge, Louisiana 70810
Telephone (504) 769-2900

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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24TH JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 435939 DIVISION: A

VANDERBILT MORTGAGE AND FINANCE, INC.

VERSUS

J.W. NETTLES AND PAMELA R. NETTLES

****

ORDER

The foregoing motion, the law and the evidence considered:

IT IS ORDERED that Robert D. McCoy attorney at law, admitted to practice before this Court be and he is hereby appointed to represent the defendant(s) herein, J.W. NETTLES AND PAMELA R. NETTLES, under the provisions La. C.C.P. art. 5091 and art. 2674, as amended, and under the provisions of the Soldiers and Sailors Relief Act, as amended, and let the said attorney be served with ANY NECESSARY LEGAL DOCUMENTS IN THE ABOVE MATTER.

GRETNA, Louisiana, this 1st day of September, 1992.

ON MINUTES SEP 1 1992

CODED

JUDGE 24TH JUDICIAL DISTRICT COURT

LAST KNOWN ADDRESS OF ABSENTEE(S):
219 FARRAR AVENUE, KENNER, LA.

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Nº 436054

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

DIV _____

24th JUDICIAL DISTRICT COURT

PARISH OF JEFFERSON

STATE OF LOUISIANA

UNION PLANTERS NATIONAL BANK

Plaintiff

vs.

TONY VIVIAN HUGGINS, EMORY E VANCIL, JR, MARCENE BAILEY VANCIL, RICHARD ALLEN WIGGINS, JUNE JAHNKE WIGGINS, EDISON J AYMOND, ANNA MAE ORTEGO AYMOND,

Defendant

EDWIN J MCLAUGHLIN, MRS CHRISTINE CHISHOLM MCLAUGHLIN, JOHN S FOSTER & MRS CLAUDENE BURKHALTER FOSTER

GEORGE B. DEAN, JR

Attorney for Plaintiff

Attorney for Defendant

Date of Filing JULY 10, 1992 jff

HP Exhibit 0189 (155)

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CODED

STATE OF LOUISIANA * PARISH OF JEFFERSON * 24TH DISTRICT COURT

* * *

UNION PLANTERS NATIONAL BANK FILED

VS. NO. 436-054

TONY VIVIAN HUGGINS
EMORY E. VANCIL, JR.
MARVENE BAILEY VANCIL
RICHARD ALLEN WIGGINS
JUNE JAHNKE WIGGINS
EDISON J. AYMOND
ANNA MAE ORTEGO AYMOND
EDWIN J. MCLAUGHLIN
MRS. CHRISTINE CHISHOLM MCLAUGHLIN
JOHN S. FOSTER
MRS. CLAUDENE BURKHALTER FOSTER

DIV. A
JUDGE
G. THOMAS PORTEOUS, JR.

CODED

JUL 10 11 24 AM '92
DY. CLERK OF COURT
PARISH OF JEFFERSON, LA.

FILED FOR RECORD

DEPUTY CLERK OF COURT

JUL 16 1992
file note + mortgage in vault

PETITION FOR EXECUTORY PROCESS

The petition of UNION PLANTERS NATIONAL BANK, a banking organization authorized to do business in Jefferson Parish, Louisiana, respectfully represents:

1.

The defendants are TONY VIVIAN HUGGINS, owner of the property described in Paragraph 7 (Exhibit I), resident of Metairie, Jefferson Parish, Louisiana, JOHN S. FOSTER and MRS. CLAUDENE BURKHALTER FOSTER, assumptors of the property (Exhibit H), residents of Metairie, Jefferson Parish, Louisiana, EDWIN J. MCLAUGHLIN and MRS. CHRISTINE CHISHOLM MCLAUGHLIN, assumptors of the property (Exhibit G), residents of New Orleans, Orleans Parish, Louisiana, EDISON J. AYMOND and ANNA MAE ORTEGO AYMOND, assumptors of the property (Exhibit F), residents of Metairie, Jefferson Parish, Louisiana, RICHARD ALLEN WIGGINS and JUNE JAHNKE WIGGINS, assumptors of the property (Exhibit E), non-residents of the State of Louisiana (Exhibit J), and EMORY E. VANCIL, JR. and MARVENE BAILEY VANCIL, makers of the promissory note attached as Exhibit A, residents of Metairie, Jefferson Parish, Louisiana.

2.

Defendants owe plaintiff principal of $3,567.70, interest thereon at 5.25% per annum from August 1, 1989, amounts due for taxes and insurance premiums at the rate of $29.74 per month

ISSUED not of appt
DATE JUL 16 1992
S/ MYRA LANDIX

CODED

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from September 1, 1989, any additional amounts which plaintiff hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of a reasonable amount of all amounts due, and all costs.

3.

The indebtedness due plaintiff is represented and secured by the following authentic evidence:

(a) Original promissory note paraphed for identification with the act of mortgage and/or privilege (Exhibit A);

(b) Certified copy of act of mortgage and/or privilege importing a confession of judgment (Exhibit B);

(c) Certified copy of Notarial Act of Endorsement and Assignment of Mortgage Note (Exhibit C);

(d) Certified copy of Assignment of Mortgage (Exhibit D).

4.

Plaintiff enjoys the benefit of the following:

(a) Confession of judgment;
(b) Pact de non alienando;
(c) Waiver of appraisement;
(d) Waiver of demand for payment;
(e) Waiver of homestead exemption;
(f) Right to accelerate for nonpayment.

5.

The defendants defaulted on (breached) the note and mortgage by failing to pay, when due, the monthly installment for September 1, 1989, and defendants remained in default by thereafter failing to pay, in full, such installment and all successive monthly installments and other amounts due on the note and mortgage before plaintiff accelerated the entire indebtedness represented by the note and mortgage which entire indebtedness remains unpaid.

6.

Defendants are not entitled to the benefit of the Soldiers & Sailors Civil Relief Act of 1940.

7.

Plaintiff is entitled to enforce its mortgage and/or privilege on the following described property in an executory proceeding, to-wit:

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ONE CERTAIN LOT OR PARCEL OF GROUND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, according to a revised plan of H. E. Landry, Sr., C.E., dated May 5, 1955, approved by the Police Jury of the Parish of Jefferson, Louisiana, under Ordinance No. 2749, adopted May 11, 1955, situated in the Parish of Jefferson, State of Louisiana, in Unit Number One, Airline Park North Subdivision, in Square 223, bounded by Lair and Peggy Avenues, Nora and Loraine Streets, designated as Lot Four (4), of said Square and begins 190 feet from the corner of Lair Avenue and Loraine Street, and measures 60 feet front on Lair Avenue, same width in the rear by a depth of 98.45 feet on the side line next to Lot 3 and 98.55 feet on the other side line.

Being the same property acquired by James C. Spiers from Earnest Homes, Inc., by act before Henry P. Pate dated August 24, 1955, Registered in COB 386, folio 165.

The above-described property bears Municipal Number 1201 Lair Avenue, subject to restrictions, servitudes, rights-of-way and outstanding mineral rights of record affecting the property.

8.

The defendants, RICHARD ALLEN WIGGINS and JUNE JAHNKE WIGGINS, are "absentees" as defined by Louisiana Code of Civil Procedure Article 5251(1) because, without limitation, they are non-residents of the State of Louisiana and/or if dead their heirs are unknown. Their last known address is: 7900 Cambridge, Houston, TX 77054-5500. Therefore, an attorney at law should be appointed to represent said defendants upon whom service of seizure and any other required services might be made.

WHEREFORE, PLAINTIFF PRAYS that:

I. A writ of seizure and sale issue to sell the property described in Paragraph 7 above WITH appraisal and from the proceeds thereof to pay the amount owed plaintiff, to-wit: $3,567.70, interest thereon at 5.25% per annum from August 1, 1989, amounts due for taxes and insurance premiums at the rate of $29.74 per month from September 1, 1989, any additional amounts which plaintiff, as permitted by the note and mortgage, hereafter advances, and proves according to law, for taxes, assessments, repairs to and maintenance of the property, attorney's fees of a reasonable amount of all amounts due, and all costs hereof and

II. The Clerk issue the writ of seizure and sale immediately.

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III. An attorney at law be appointed as Curator ad Hoc for RICHARD ALLEN WIGGINS and JUNE JAHNKE WIGGINS, upon whom service of seizure and any other required services might be made.

THOMPSON, SPARKS, DEAN & MORRIS
1401 Royal Avenue
P. O. Box 2867
Monroe, Louisiana 71207-2867
(318)388-1440

BY: _____
George B. Dean, Jr. (#4764)

ATTORNEYS FOR PLAINTIFF

PLEASE SERVE DEFENDANTS AT:

TONY VIVIAN HUGGINS
1201 Lair Ave.
Metairie, LA 70003

JOHN S. FOSTER AND MRS. CLAUDENE BURKHALTER FOSTER
1201 Lair Ave.
Metairie, LA 70003

EDWIN J. MCLAUGHLIN and MRS. CHRISTINE CHISHOLM MCLAUGHLIN
1703 Jackson Ave.
New Orleans, LA

EDISON J. AYMOND and ANNA MAE ORTEGO AYMOND
801 Grand Drive
Metairie, LA 70003

RICHARD ALLEN WIGGINS and JUNE JAHNKE WIGGINS through the court appointed attorney; they are non-residents of the State of Louisiana. Their last known address is: 7900 Cambridge, Houston, TX 77054-5500.

EMORY E. VANCIL, JR. and MARVENE BAILEY VANCIL
1201 Lair Ave.
Metairie, LA 70003

This is the property address: 1201 Lair Ave.
Metairie, LA 70003

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, the undersigned authority, personally came and appeared GEORGE B. DEAN, JR., who, being by me first duly sworn, deposed and said that he is the attorney for petitioner herein and that the allegations of fact contained herein are true and correct to the best of his knowledge, information and belief.

_____
George B. Dean, Jr.

SWORN TO AND SUBSCRIBED
before me this 6th day
of July, 1992.

Mary Ann Wallace
Notary Public

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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ORDER

Considering plaintiff's petition and the exhibits and finding that plaintiff is entitled hereto,

IT IS ORDERED that a writ of seizure and sale issue commanding the Sheriff to seize and sell the property described in Paragraph 7 of the petition affected by the mortgage and/or privilege as prayed for and according to the law.

IT IS ORDERED that Robert F. Cuely, Attorney at Law, be appointed as Curator ad Hoc for RICHARD ALLEN WIGGINS and JUNE JAHNKE WIGGINS upon whom service of notice and any other required services might be made.

Gretna, Louisiana, this 14th day of July, 1992.

CODED

ON MINUTES

JUL 15 1992

Judge, 24th Judicial District

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

P1

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STATE OF LOUISIANA * PARISH OF JEFFERSON * 24TH DISTRICT COURT

UNION PLANTERS NATIONAL BANK

FILED: _____

VERSUS NO.436-054

TONY VIVIAN HUGGINS et al

MOTION & ORDER TO APPOINT CURATOR

On Motion of the Union Planters National Bank, and on suggesting to the court that defendant (s) is/are "absentee(s)" defined by Louisiana Code of Civil Procedure article 5251(1) because, without limitation, Plaintiff has been unable to perfect service upon defendants, Tony Vivina Huggins, Edison J. Aymond, Anna Mae Ortego Aymond, Edwin J. McLaughlin and Mrs Christine Chisholm McLaughlin despite the diligent efforts to plaintiff and the Sheriff of Jefferson Parish, Louisiana, as reflected by the Sheriffs return on the writ, and the whereabouts of said defendant being unknown, and/or if dead their heirs are unknown, then therefore, and attorney at law should be appointed by this court to act as Curator ad Hoc upon whom services of legal process may be served during these procedures,

IT IS ORDERED that Robert L. Curley, attorney at law, be appointed as Curator ad Hoc upon whom service of legal process may be obtained in the proceedings.

Metairie, Louisiana, this 20th day of August, 1992.

CODED

JUDGE

ON MINUTES AUG 21 1992

V E R I F I C A T I O N

STATE OF LOUISIANA

PARISH OF OUACHITA

BEFORE ME, a Notary Public, appeared George B. Dean, Jr., who declares that he is the attorney for plaintiff and that the allegations of the foregoing Motion & Order to Appoint Curator are true and correct to the best of his knowledge, information and belief.

George B. Dean, Jr.

SWORN TO AND SUBSCRIBED before me this 13th day of August, 1992.

not a appt

ISSUED AUG 28 1992 CODED

DATE S/ MYRA LANDIX Deputy Clerk

LAST KNOWN ADDRESS: 1201 Lair Ave. Metairie, La. 70003

Mary Ann Wallace
Notary Public

A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

DEPUTY CLERK 24TH JUDICIAL DISTRICT COURT PARISH OF JEFFERSON LA.

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92-0068

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO:431-491

DIVISION A

FEDERAL NATIONAL MORTGAGE ASSOCIATION

VERSUS

FRED ALTON LORD, JR.

AND

MOLLY STURDIVANT LORD

AND

KATHERINE STRITZINGER WEITZNER

AND

CAROL STRITZINGER BAUGNON

AND

TRUDY STRITZINGER KERTH

AND

PATSY CERIGNY ALI
(A/K/A PATSY C. ALI AND PATSY A. CERIGNY LANDRY)

FILED: _____ _____
DEPUTY CLERK

MOTION TO APPOINT CURATOR

On motion of Federal National Mortgage Association, through undersigned counsel, and upon suggesting to the Court that:

I.

The whereabouts of defendant(s), Katherine Stritzinger Weitzner, Carol Stritzinger Baugnon and Trudy Stritzinger Kerth, is unknown as appears from the Sheriff's return of the citation of file in these proceedings specifically noting that the Civil Sheriff for the Parish of Jefferson is unable to effect service upon the defendant(s), and accordingly, defendant(s) cannot be found and served, and diligent effort has been made to locate said defendant(s).

II.

It is necessary for the Court to appoint an attorney at law as

SIGNED Not appointed
DATE JUL 15 1992
S/ MYRA LANDIX

HP Exhibit 0189 (156)

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curator ad hoc for the defendant(s) Katherine Stritzinger Weitzner, Carol Stritzinger Baugnon and Trudy Stritzinger Kerth.

IT IS ORDERED BY THE COURT, that Robert G. Creely attorney at law be and he is hereby appointed curator ad hoc for defendant(s), Katherine Stritzinger Weitzner, Carol Stritzinger Baugnon and Trudy Stritzinger Kerth, in these proceedings and that the requisite three (3) day notice of demand for payment be issued herein and served upon said attorney, and after all necessary delays that a Writ of Seizure and Sale issue herein, and be served upon said attorney at law.

Gretna, Louisiana, this 14th day of July, 1992

CODED

JUDGE

ON MINUTES JUL 15 1992

Respectfully submitted,

SHAPIRO AND KREISMAN

BY:

JANE FAIA MENTZ
Louisiana Bar Roll #17501
STACY C. WHEAT
Louisiana Bar Roll #19826
Attorney's for Plaintiff
3850 North Causeway Boulevard
Suite 710
Metairie, Louisiana 70002
(504)831-7726

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DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

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STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared:

BEVERLY COGGINS

who, after being first duly sworn by me, Notary Public, did depose and state that she is the Collections Agent for Federal National Mortgage Association, the plaintiff in the above and foregoing matter, that she has read said motion to appoint an attorney to represent absent defendant(s) and that all of the allegations set forth therein are true and correct.

Beverly Coggins
BEVERLY COGGINS

SWORN TO AND SUBSCRIBED
BEFORE ME, NOTARY, THIS
7th DAY OF July, 1992.

Stacy Wheat
NOTARY PUBLIC

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ON FILE IN THIS OFFICE.

DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.