

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No. 13-cr-00001-REB

UNITED STATES OF AMERICA,

Plaintiffs,

v.

DAVID N. HAWKINS,

Defendant.

**DEFENDANT'S OBJECTIONS TO THE PRESENTENCE INVESTIGATION REPORT
FILED ON SEPTEMBER 25, 2013 AND ADDENDUM TO THE PRESENTENCE
INVESTIGATION REPORT ATTACHED THERETO**

On August 1, 2013, Mr. Ford, U.S. Probation Officer, filed a Presentence Investigation Report. On September 25, 2013, Mr. Ford again filed a Presentence Investigation Report, which report superseded the previous report and incorporated new numbers for the majority of the paragraphs contained in the Presentence Investigation Report. On September 25, 2013, Mr. Ford also filed an Addendum to the Presentence Investigation Report. The Defendant, through counsel, objects to the Presentence Investigation Report [Doc #27] dated September 25, 2013, and the Addendum to the Presentence Investigation Report attached thereto referencing the paragraphs in the September 25, 2013 report, as follows:

The Offense Conduct

1. **Paragraph 17:** Mr. Hawkins did not actively solicit his law enforcement colleagues or acquaintances to give him money, although he did say they could refer friends and family to him.

2. **Paragraph 19c:** Mr. Hawkins told people that he did not have a license and that he was not allowed to trade their money. He told them that he was borrowing their money and he would pay it back at 10% per month interest.

3. **Paragraph 19e:** Mr. Hawkins did not promise to pay taxes. Mr. Hawkins advised that he would not be giving anyone a 1099. Mr. Hawkins did not collect any tax information such as social security numbers or tax identification numbers for anyone, so it would have been impossible for Mr. Hawkins to pay their taxes. Taxes were mentioned by Dr. Pruet, as Dr. Pruet desired a monthly amount which would net him 10% per month profit. Mr. Hawkins and Dr. Pruet discussed various scenarios, including the formation of a limited liability company or a partnership, but no agreement was finalized.

Dr. Pruet attempted to form certain LLC's in conjunction with Mr. Hawkins, with the intent to maximize his profit to 10% gains after taxes. Although contracts and agreements between Dr. Pruet and Mr. Hawkins were never finalized, Dr. Pruet was aware that Mr. Hawkins would not pay his taxes. In an email discussion regarding these LLCs dated April 25, 2011, (See Exhibit 1, attached) Dr. Pruet specifically stated the following:

"1. Greg's LLC and my LLC, make investments to Dave's LLC.

2. Dave's LLC experiences taxable returns from investments as income from trading is recognized, and Dave's LLC pays the associated taxes.

3. When either Greg's or my LLC draws from Dave's LLC, Greg's and my LLCs experience taxable returns, once such draws exceed the principal investments from our LLCs to Dave's LLC."

Additionally contracts proposed between the parties, counsel, and an accountant, specifically stated:

"11. Holders are responsible for paying their respective taxes due on interest earned when such interested is recognized as defined by IRS standards with no liability associated with tax liabilities on interest received and accordingly recognized interested paid to Holders being implied or due by the L.L.C."

(See Exhibit 2, attached, April 13, 2011 9:09 a.m. email from Dr. Pruet to David Hawkins).

4. Paragraph 22: Mr. Hawkins' losses on the franchises were \$23,254 for Mesquite and \$40,153 for Danville for total losses on these investments of \$63,407, not \$150,000 as listed in the presentence investigation report. These franchises were not personal investments. Rather, they were investments made by Mr. Hawkins for the purpose of recouping investor losses. The costs of the franchises and the additional operating costs of the franchises were paid for by funds Mr. Hawkins received from investors.

The Government's Financial Analysis and Loss Calculations

5. **Paragraph 35:** Mr. Hawkins did not intend to create a Ponzi scheme, and, when he met with investigators on December 8, 2011, Mr. Hawkins believed this was a tax investigation. Only at the end of the meeting did the investigator ask Mr. Hawkins if he knew what a Ponzi scheme was, to which Mr. Hawkins said that he did.

6. **Paragraph 36:** There were seven winning investors prior to December 8, 2011, not six. Mr. Livingstone was paid \$1,542.82 more on his three accounts than he paid Mr. Hawkins. (See combined ledger of the three Livingstone accounts, attached as Exhibit 3).

7. **Paragraph 37:** As of March, 2012, there were three (3) remaining 'net losing investors,' not the 7 listed in paragraph 37 of the presentence investigation report. This number can be calculated as follows:

The government considers investor, Nell Young to be a "winning" investor. However, careful review of the government's records shows an "overpayment" to Ms. Young's in the amount of \$3,580.00. This amount was paid to Greg Young on June 2, 2011, shortly after Mrs. Young's death. Information regarding the overpayment of the Nell Young account is contained in the information obtained by federal investigators, including the amount of overpayment to Ms. Young. This is evidenced by the spreadsheet provided by government investigators and/or the U.S. Attorney's office which shows a net overpayment to Nell Young in the amount of \$3,580.00 and a net

underpayment to Greg Young in the amount of \$3,580.00. (Attached as Exhibit 4, page 2, lines 72 and 73)

Three accounts were associated with Mr. Young as follows: Greg Young, Greg Young - 2nd acct, and Nell Young. An accounting of funds between Mr. Young's associated accounts, including transfers between those accounts, is attached as Exhibit 5. Additionally, Mr. Hawkins paid Mr. Young the remaining principal amount of \$28,540.00 via check dated December 31, 2011. (Copy of check and copy of bank statement, attached as Exhibit 6). Additionally, review of the loss and profit calculations of the government shows a net loss to Greg Young of \$3,580.00 and a net gain to Nell Young in the amount of \$3,580. (Exhibit 4)

Investors Brian Livingstone (x2 accounts) and his minor child, Paige Livingstone, received a net overpayment of \$1,542.82, as of November 30, 2011. Information regarding the net deposits of Mr. Livingstone, "transfers" between Mr. Livingstone's accounts and Paige Livingstone's account, and the subsequent payments to him are included in the records seized by federal investigators. Additionally, a combined ledger of these accounts was previously attached Exhibit 3.

Mr. Hawkins records reflect that Mark and Ruth Stevens were provided a cash payment of \$900 on December 11, 2011. However, as Mr. Hawkins did not obtain a receipt from Mr. and Mrs. Stevens, Mr. Hawkins will not dispute their claim for the remaining \$900.

Final payments of principal were paid to Martin Webb as follows: "Withdrawal Home Banking Transfer" in the amount of \$3,000.00 on December 13, 2013 and check

number 191 in the amount of \$16,867.00. (See Exhibit 7, bank statements and copy of canceled check).

Additional Information

8. Paragraph 38: Mr. Hawkins objects to any and all statements in the Presentence Investigation Report regarding media coverage. Paragraphs 38 and 39 are inappropriate and not relevant and should be stricken. Rule 32, 18U.S.C. § 3661 and U.S.S.G. § 1B1.4 address the background, character and conduct of the defendant. The information noted by the probation department has nothing to do with “Information regarding the instant offense.” The Court’s standing directive that the probation department conduct an independent investigation of the offense, to defense counsel implies the overall conduct of the defendant related to the instant offense and not to potential “Media coverage.” With all due respect to the probation officer, this information is suggestive that media coverage is more important than any consideration related to the background, character and conduct of the defendant, as noted above.

This was not a classic Ponzi scheme and Mr. Hawkins had no intent to develop a Ponzi scheme. Based on Mr. Hawkins' lack of knowledge, he fell behind. When he saw that he was behind, Mr. Hawkins panicked. The purchase of the two football teams were not for personal gain, but potential money raising efforts. Total costs and expenses for the teams were \$40,153 for the Danville team and \$23,254 for the Mesquite team. Although Mr. Hawkins did, indeed, collect approximately \$1,200,000 from investors, Mr. Hawkins personal "profits" were less than \$100,000, representing less than 10% of the investments. These "profits" consisted of purchase of the Dodge

in the amount of \$18,736, purchase of the mini-cooper in the amount of \$16,813, minor improvements on Mr. Hawkins' home, and payment of a portion of deductibles on his son's medical bills. Additionally, even after Mr. Hawkins discovered that what he was doing might be a Ponzi scheme, Mr. Hawkins continued to return funds to his investors such that only three investors now have losses.

Victim Impact

9. Paragraph 41: Mr. Hawkins did not promise to pay taxes. Mr. Hawkins advised that he would not be giving anyone a 1099. Mr. Hawkins did not collect any tax information such as social security numbers or tax identification numbers for anyone, so it would have been impossible for Mr. Hawkins to pay their taxes. Taxes were mentioned by Dr. Pruett, as Dr. Pruett desired a monthly amount which would net him 10% per month profit. Mr. Hawkins and Dr. Pruett discussed various scenarios, including the formation of a limited liability company or a partnership, but no agreement was finalized.

Dr. Pruett attempted to form certain LLCs in conjunction with Mr. Hawkins, with the intent to maximize his profit to 10% gains after taxes. Although contracts and agreements between Dr. Pruett and Mr. Hawkins were never finalized, Dr. Pruett was aware that Mr. Hawkins would not pay his taxes. In an email discussion regarding these LLCs dated April 25, 2011, (Exhibit 1) Dr. Pruett specifically stated the following:

- "1. Greg's LLC and my LLC, make investments to Dave's LLC.
2. Dave's LLC experiences taxable returns from investments as income from trading is recognized, and Dave's LLC pays the associated taxes.

3. When either Greg's or my LLC draws from Dave's LLC, Greg's and my LLCs experience taxable returns, once such draws exceed the principal investments from our LLC's to Dave's LLC."

Additionally contracts proposed between the parties, counsel, and an accountant, specifically state: "11. Holders are responsible for paying their respective taxes due on interest earned when such interested is recognized as defined by IRS standards with no liability associated with tax liabilities on interest received and accordingly recognized interested paid to Holders being implied or due by the L.L.C." (Exhibit 2).

Additionally, Dr. Pruett received payments totaling \$39,551.09 for a net loss of \$132,448.91 as follows:

\$5,000.00 on 8/31/11

\$5,000 on 9/30/11

\$5,000 on 10/31/11

\$5,000 on 11/30/11

\$15,000 on 1/4/12 (Exhibit 8, attached)

\$4,551.09 garnishment on 6/6/12 (Exhibit 9, attached)

Additionally, Guideline 2B1.1 Commentary application note: 3(D) states:

"Loss shall not include the following: (i) interest of any kind, finance charges, late fees, penalties, amounts based on an agreed-upon return or rate of return, or other similar costs. (ii) Costs to the government of, and costs incurred by victims primarily to aid the government in, the prosecution and criminal investigation of an offense."

Therefore, Dr. Pruett's calculation of interest on his investment for total restitution requested by him is inappropriate and should not be considered by the Court.

Mr. Hawkins objects to information contained in paragraph 41 and paragraph 127, as Dr. Pruettt has been compensated at total of \$39,551.09, resulting in restitution owing of \$132,448.91.

10. Paragraph 44: At no time did Mr. Hawkins agree to pay taxes for anyone. This is evidenced by the fact that Mr. Hawkins did not collect any information regarding tax identification numbers or social security numbers, nor did he at any time issue 1099s.

11. Paragraph 46: Mr. Hawkins did not tell anyone that he needed an accountant to help manage all of the money. Mr. Hawkins did state that he would be quitting his job at the Sheriff's department so he could devote more time to the investment business.

12. Paragraph 48: Mr. Hawkins objects to the statements contained in this paragraph. Mr. Hawkins has no recollection of speaking with any friend of Mr. Moore's. Additionally, as Forex trading is based upon ratios, not percentages, Mr. Hawkins would not have given a percentage as his trading rate. Finally, the website Pauline Hawkins created was totally unrelated to the FOREX trading and investments.

13. Paragraph 49: Mr. Hawkins did not tell Moore that he had lost all of his money. Mr. Hawkins returned Mr. Moore's principal balance to him, as required by

statute governing this matter. Additionally, Mr. Moore ultimately received an overpayment of his initial investment in the amount of \$5.13.

14. Paragraph 51: Mr. Hawkins objects to this paragraph. As evidenced by the recorded conversation of January 8, 2012, surreptitiously recorded by Mr. Ewell, Mr. Hawkins stated:

“Um, honestly, it depends on the second team, if that takes off or not. Right now I’m probably in the hole, probably about a hundred thirty, a hundred forty, I bet.”

This quote makes it clear that Mr. Hawkins was referring to the total losses for the group, not just the investments in the football teams.

15. Paragraph 52: Mr. Hawkins received the funds from Dr. Pruet and Ms. Rodgers long before he discovered that his investment business was considered a Ponzi scheme. Mr. Hawkins did not obtain funds from these investors in order to pay off other investors.

Adjustment for Acceptance of Responsibility

16. Paragraph 54: When Mr. Hawkins began trading on FOREX, he had no intent to defraud investors or to develop Ponzi scheme. What happened was because of unfortunate losses, causing Mr. Hawkins to be unable to repay the investors. Mr. Hawkins accepts sole responsibility for this. Mr. Hawkins became afraid of losing other people's money, so he didn't invest it as promised. Instead, Mr. Hawkins put the funds

into checking accounts and then tried to invest in what turned out to be risky football franchises which eventually lost their value and completely folded in January, 2012.

Offense Level Computations

17. Paragraph 59: In comparing paragraph 37 to the information in paragraph 59, the probation officer notes that investors invested a total of \$1,212,898.61. In both paragraphs, the probation officer notes repayment by Mr. Hawkins to investors, the first made prior to December 8, 2011, in the amount of \$585,649.26, and the second made after December 8, 2011 in the amount of \$457,449.00. This results in a net loss to investors of \$169,800.40. The overpayments to investors noted by the government and addressed in paragraph 37 of the presentence investigation report is \$45,435. By further applying the \$16,813 civil forfeiture that Mr. Hawkins will tender to the court at the time of sentencing, this would reduce the overall loss to below \$200,000, supporting a 4 level variance decrease from the stipulated offense guideline level.

18. Paragraph 60: Interest is not to be calculated in the loss according to the guidelines. Rate of return is not to be calculated in the guidelines. Additionally, Mr. Hawkins has continued to repay investors. At this time, of the 73 people who invested, only 3 remain. Mr. Hawkins objects to application of the Specific Offense Characteristic pursuant to U.S.S.G. § 2 B1.1 (b)(2)(B), as noted in paragraph 60. Since 70 of the 73 investors have received total reimbursement on their investment, only 3 remain, and the adjustment to U.S.S.G § 2B1.1 (b)(2)(B) does not apply.

Guideline 2b1.1 Commentary application note: 3(D) states:

“Loss shall not include the following: (i) interest of any kind, finance charges, late fees, penalties, amounts based on an agreed-upon return or rate of return, or other similar costs. (ii) Costs to the government of, and costs incurred by victims primarily to aid the government in, the prosecution and criminal investigation of an offense.”

The probation officer applied a 4-level increase to the base offense level noting that of the 73 investors, 11 investors were reimbursed for their initial investment on December 8, 2011. The initial return of investment also resulted in 8 of the 11 investors receiving reimbursement beyond their initial investments. Of the 62 remaining investors, Mr. Hawkins reimbursed in full, all but 3 after December 8, 2011. The presentence investigation report at page 26, paragraph 124 provides a list of investors (victims) and their corresponding loss. Although 62 investors were not reimbursed prior to December 8, 2011, 59 have since been reimbursed their total investment.

USSG § 2B1.1 (b)(2) provides for a specific offense characteristic increase if the offense involved 10 or more victims. In considering “all harm that resulted from the offense,” Mr. Hawkins made every effort possible to reimburse all victims. The number of investors (victims) harmed should be measured by the total number of investors who were not reimbursed. However, even following his meeting with IRS agents on December 8, 2011, Mr. Hawkins continued to attempt to pay his investors such that only three investors who sustained net losses, for a total principal investment due to those investors in the amount of \$169,800.40. This amount will be further reduced when Mr. Hawkins pays the civil forfeiture amount required by the Plea Agreement with certified funds in the amount of \$16,813. This will leave a total amount due investors of \$151,264.49.

Mr. Hawkins' history and characteristics are relevant to the Court's decision. *United States v. Adelson*, 441 F. Supp 2d 506 (S.D.N.Y. 2006). David Hawkins' life has been dedicated to conducting himself as an honorable law enforcement professional. Through his own conduct, he has damaged his well-earned reputation; however his prior achievements are completely law abiding and should be considered in determining appropriate sentence. Mr. Hawkins acknowledges that his offenses are serious.

Victims pursuant to USSG § comment. (n.1) are defined as:

(A) A person who sustained any part of the actual loss determined under section (b)(1).

Because of these repayments, Mr. Hawkins believes that there should be no level increase pursuant to U.S.S.G. § 2B1.1 (b)(2)(B). Should the Court find based on the dates the victims (investors) were reimbursed that U.S.S.G. § 2B1.1 (b)(2)(B) does apply, Mr. Hawkins requests a four level downward variance from the applicable guideline sentence, reflecting payment to all but three victims (investors).

19. Paragraph 62: Mr. Hawkins objects to the conclusions of paragraph 62. Mr. Hawkins did not use his position as a police officer to facilitate the commission and/or concealment of the offense. Mr. Hawkins was unaware that he was in violation of the law or being investigated for any violation, until December 8, 2011 when he met with IRS agents. Mr. Hawkins' involvement in the instant offense began following his disclosure to colleagues that he was pursuing FOREX trading in his "spare time." Mr. Hawkins at no time represented himself as holding a position of private trust. Mr. Hawkins advised investors that he himself was pursuing investing on his own and this

was not associated with his position as a Deputy Sheriff. Mr. Hawkins did not hold a business or professional position. Mr. Hawkins in no way utilized his position as a law enforcement officer to entice or solicit investments or to mislead. In no way did Mr. Hawkins' position as a law enforcement officer in any way increase his chances of succeeding or avoiding detection for his criminal conduct. The 2-level increase pursuant to USSG § 3B1.3 should not apply.

20. Paragraph 64: For the reasons stated above, Mr. Hawkins objects to this paragraph. Mr. Hawkins will argue that a variance to offense level **17** is appropriate.

21. Paragraph 66: For the reasons stated above, Mr. Hawkins objects to this paragraph. Mr. Hawkins will argue that a variance to offense level **14** is appropriate.

22. Paragraph 68: For the reasons stated above, Mr. Hawkins objects to this paragraph. Mr. Hawkins will argue that a variance to offense level **14** is appropriate.

Part C. Offender Characteristics

Marital

23. Paragraph 75: For purposes of clarification, Mr. Hawkins' mother is Catherine (nee: Murray) Hawkins.

24. Paragraph 77: For purposes of clarification, Mr. Hawkins and his wife were married on May 3, 1992 in the county courthouse, not the Macedonian Orthodox

Church. A subsequent wedding occurred in August 1992 at the Macedonian Orthodox Church.

25. Paragraph 78: For clarification purposes, Mr. Hawkins states that while the out-of-pocket medical expenses for his son were significantly more than anticipated, Mr. Hawkins carried excellent insurance at the time, which covered approximately \$600,000 in medical expenses. The out-of-pocket expenses for his son's treatment totaled approximately \$20,000. Mr. Hawkins believes he may have used some of the funds from investors to pay a portion of the out-of-pocket expenses, but this was not done for greed or personal gain, but for the health and benefit of his son. At this time, Mr. Hawkins and his wife continue to make payments on the out-of-pocket expenses for their son's medical treatment.

26. Paragraph 79: For clarification purposes, Mr. Hawkins states that the Caribbean cruise also included his son, Ian (age 6) and his daughter, Carol Linn (age 17).

Home and Neighborhood

27. Paragraph 80: For clarification purposes, Mr. Hawkins states that the renter moved out as of July 25, 2013.

Physical Condition

28. Paragraph 82: For clarification purposes, Mr. Hawkins states that he had two surgeries on his right foot in the past 10 years.

Education and Vocational Skills

29. Paragraph 85: For clarification purposes, Mr. Hawkins states that he graduated with an Associate's Degree in December, 1987, not July 1987.

Part D. Sentencing Options

Guideline Provisions:

30. Paragraph 102: Mr. Hawkins objects to this paragraph as Mr. Hawkins argues that the victim or role adjustments do not apply and that a 4 level variance is appropriate to reflect the true nature of the loss. As noted above, should the Court find that the victim adjustment applies; an additional 4 level variance is requested. For the reasons stated above, Mr. Hawkins argues that the appropriate total offense level is 14, which would result in a guideline range for imprisonment of 15 to 21 months.

Impact of Plea Agreement

31. Paragraph 103. Mr. Hawkins argues that the victim and role enhancements would not apply if he had been convicted at trial, and therefore the total offense level would have been 21 (base offense level and increase for loss), for a guideline imprisonment range of 31 to 46 months. Mr. Hawkins' motion if the case proceeded to

trial would be for a downward variance to a level 14 based on the offense conduct, not including a further variance pursuant to the provisions of 18 U.S. C. § 3553 (a).

Probation

Guideline Provisions:

32. Paragraph 115: Mr. Hawkins will present arguments pursuant to 3553, that the Court should grant a variant sentence from offense level 14 to offense level 11, which would allow Mr. Hawkins to be sentenced to a term of probation for a period 5 years, with a condition for home confinement with electronic monitoring.

Fines

Guidelines Provisions:

33. Paragraph 118: For the reasons listed above, based on an offense level of 14, the fine range is from \$4,000 to \$40,000, pursuant to §5E1.2.

Restitution

34. Paragraph 127: As listed above, the information contained in paragraph 127 is not accurate. The accurate figures follow:

VICTIM	ORIGINAL INVESTMENT	RESTITUTION OWING
Mark and Ruth Stevens	\$13,000.00	\$900.00*
Jacque Rodgers	\$92,000.00	\$71,000.00
Nicholas Pruet	\$172,000.00	\$132,448.91*****
Brian Livingstone	\$14,559.41	-\$1,542.82**

Paige Livingstone	\$1,000.00	\$0.00**
Martin Webb	\$35,967.00	\$0.00***
Greg Young	\$96,700.00	\$0.00****
Total:		\$204,348.91

*\$900 Mr. Hawkins recalls delivering a cash payment to Mark and Ruth Stevens on 12/11/2011. However, because he cannot prove this payment, Mr. Hawkins will not dispute this amount.

**Combining all three of Mr. Livingstone's accounts, including the account Mr. Livingstone opened for Paige, Mr. Livingstone received an overpayment of his original investment in the amount of \$1,542.82, as of 11/30/2011 (Exhibit 3)

***\$3,000 paid to Martin Webb on 12/13/2011 (Exhibit 7)

****a final payment of \$28,540 was paid on the net of the 3 accounts associated with Mr. Young was paid on 12/31/11 (Exhibits 5 and 6)

*****Dr. Pruetz garnished Mr. Hawkins' accounts on or about June 6, 2012 in the amount of \$4,551.09 (Exhibits 8 and 9)

Part F. Factors that May Warrant a Non-Guideline Sentence

Nature, Circumstances, and Seriousness of the Offense

35. Paragraph 130: Mr. Hawkins objects to the probation officer's characterization of him as "unscrupulous." Mr. Hawkins' fellow officers invested with Mr. Hawkins because they wanted to make money, not because he was a deputy Sheriff. Additionally, unscrupulous is an outrageous term when considering that Mr. Hawkins'

"profits" totaled less than \$100,000. This was not a classic Ponzi scheme. Mr. Hawkins continued to work at the Sheriff's department through most of this investment time and his wife maintained her employment. The losses to the investors resulted from Mr. Hawkins' fear of failure and from risk losses, rather than from greed. Mr. Hawkins' investment in the two football teams was in an effort to recoup investment losses and are risk losses. Additionally, Mr. Hawkins has now repaid 85% of the investment funds and 98% of the investors. Finally, there is now less than \$200,000 currently owed to investors. This number would have been much lower had others not been overpaid by approximately \$45,000.

Promote Respect for the Law, Provide Just Punishment, Afford Adequate Deterrence to Criminal Conduct and Protect the Public from Further Crimes of the Defendant

36. Paragraph 131: The statements of the probation officer that Mr. Hawkins "threatened the well-being of numerous people and their families" did not occur, largely because Mr. Hawkins made every effort to reimburse the principal balance to the investors. A sentence to probation for a term of 5 years, including home detention with electronic monitoring, is appropriate to promote justice and also to allow Mr. Hawkins to repay the loss to the three remaining victims in this case. Payment can be more effectively accomplished with a variance sentence that would allow Mr. Hawkins to immediately begin repaying his victims.

Also of note, Mr. Hawkins could have chosen to pocket all the money invested with him. Instead, he chose to repay them. He did not enter any of this investment venture for a greedy purpose or to threaten the financial wellbeing of any individuals.

History and Characteristics of the Defendant Including Correctional Treatment Needs

37. Paragraph 132: It is appropriate for the courts to consider Mr. Hawkins' past history as a law enforcement officer, as well as his lack of history of substance abuse. Additionally, as noted by the probation officer, Mr. Hawkins' son, Ian continues the treatment and recovery process from a brain tumor and cancer. A sentence of prison for Mr. Hawkins would be very detrimental to the mental and possibly physical wellbeing of his son. A variance in this situation is appropriate to leave Mr. Hawkins in the family situation as Mr. Hawkins is a provider both financially and emotionally to his son.

Respectfully submitted this 4th day of November, 2013.

SHERMAN & HOWARD L.L.C.

s/ Richard Tegtmeier

Richard Tegtmeier, #2544
90 S. Cascade, Suite 1500
Colorado Springs, CO 80903
719/475-2440
719/635-4576 (Facsimile)
LAWYERS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of November, 2013, a true and correct copy of the foregoing was sent via file and serve, to:

Kenneth Harmon, AUSA
U.S. Attorney's Office
1225 17th Street, Ste 700
Denver, CO 80202

s/ Devon O. Ryan

Print | Close Window

Subject: Re: Business Structure
From: Nicolas Pruett <coloradodental@yahoo.com>
Date: Mon, Apr 25, 2011 6:26 am
To: rkeyser@mktaxlaw.com
Cc: david@pdhawkinvestments.com, YOUNGGR@ci.colospgs.co.us

Please let us know if this is what will work:

Three LLC's exist in this format where:

1. Greg's LLC and my LLC, make an investments in Dave's LLC.
2. Dave's LLC experiences taxable returns from investments as income from trading is recognized, and Dave's LLC pays the associated taxes.
3. When either Greg's or my LLC draws from Dave's LLC, Greg's and my LLCs experience taxable returns, once such draws exceed the principal investments from our LLC's to Dave's LLC.
4. When Greg's LLC and my LLC make a draw, Dave's LLC distributes a gross distribution (gross distribution = expected 10% net/ (1- tax rate)), at which point Greg's and my LLC pay taxes, with the result to Greg's and my LLC being a net 10% return afetr our respective LLC's have paid taxes.
5. Dave's LLC recognizes the gross distributions to Greg's and my LLC's as expenses, which he then deducts at 100% as expenses from his LLC's taxes.

Please let us know,

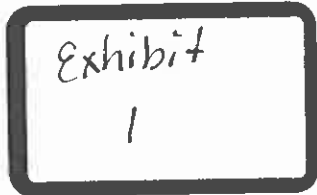
Thank you, Dr. Pruett
— On Sun, 4/24/11, Robert Keyser <rkeyser@mktaxlaw.com> wrote:

From: Robert Keyser <rkeyser@mktaxlaw.com>
 Subject: Business Structure
 To: "Nicolas Pruett" <coloradodental@yahoo.com>, david@pdhawkinvestments.com, "YOUNG, Gregory A." <YOUNGGR@ci.colospgs.co.us>
 Date: Sunday, April 24, 2011, 3:00 PM

Gentlemen,
 My research has left me with only conclusion—that my idea of promissory notes is void. Under CO law, loans can only eam 45% interest per annum and anything stated above this would be void. Under your proposal there would be in excess of 120% per annum. Therefore, we need to consider partnerships (LLCs), as initially discussed. My proposal would be for each investor to have his own LLC with Dave (or his investment company) as manager. This way the investor retains control and ownership of the business and Dave invests as required. The reason for separate LLCs is so each investor has autonomy with regard to his/her investment. For instance, if Greg decides to cash out, he would simply remove Dave as Manager and take over his investment. If Greg dies, his spouse (or other heir) would be the new owner of the LLC and take title of the assets (or continue to work with Dave if this is desired). Conversely, Dave could resign as a manager at any time. Also, this way the books are cleaner and there are fewer tax returns that need to be filed. Please let me know if any of you have comments or questions. Thank you.
 Sincerely,
 Rob

Robert B. Keyser II, Esq.
 McQuitty & Keyser, LLC
 25 N. Cascade Avenue, Ste 200
 Colorado Springs , CO 80903
 ph: 719-634-5595
 fax: 719-634-5596
 www.mktaxlaw.com

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Subject: RE: For Review, Revision, And submission for incorporation into note
From: Nicolas Pruett <coloradodental@yahoo.com>
Date: Wed, Apr 13, 2011 12:03 pm
To: david@pdhawkinvestments.com

Checking with my accountant on whether there is a distribution method or verbage to avoid taxes on the component of the distribution that is bookmarked for the tax payment by the Holder. If so at 30% tax on \$100k would result in a distribution of \$130k; if not then to net \$100 there would be a tax distribution requirement where taxes are due quite literally on each component of the distribution thereby requiring a formula to attain a true 10% after tax return. Let's see if the what the accountant comes up with on this question.

Good idea for both of your sons to be on board. I imagine that you set buy and sell orders. It would be a bummer if a buy hit without a sell occurring thereafter, therefore the failsafe.

— On Wed, 4/13/11, david@pdhawkinvestments.com <david@pdhawkinvestments.com> wrote:

From: david@pdhawkinvestments.com <david@pdhawkinvestments.com>
Subject: RE: For Review, Revision, And submission for incorporation into note
To: "Nicolas Pruett" <coloradodental@yahoo.com>
Date: Wednesday, April 13, 2011, 10:35 AM

The additional line looks fine, but I may want to include both my son's names. I looked at the attached chart, I am having a hard time figuring out the "tax on tax distribution" box.

----- Original Message -----

Subject: For Review, Revision, And submission for incorporation into note
From: Nicolas Pruett <coloradodental@yahoo.com>
Date: Wed, April 13, 2011 9:09 am
To: david@pdhawkinvestments.com

In addition to that which we submitted for incorporation into the note agreement do you support the additions of the formula I presented yesterday (see attached for review), and the addition of the following statement to Robert Keyser?

"In the event of incapacitation or death of the Manager, all trading will be immediately cease and funds due to Holders in whole with be provided to Holders immediately, with such action to be undertaken by Manager's wife, _____ (name). Should both Manager and wife be incapable of performing the above note act, Manager's son _____ (name) will immediately perform the noted task."

The other variables discussed/please revise if necessary:

1. The wives of Holders, to be named specifically, have the right to take over the promissary note with terms remaining as defined;
2. In the event Management (Dave specifically) terminates, or is unable to continue management of investments, the note becomes immediately due to Holders;
3. In the event of death of Holders and the wives of holders, the note becomes immediately due, and funds due are to be immediately provided to trusts of Holders (probably should list the trusts specifically).
4. Return to holders from the LLC includes the principal and a result at net 10% return on principal, plus taxes to be calculated that provide for the net 10% return;
5. Collateral offered to Holders by the LLC is limited to ownership 100% membership interest in Colorado LLC;
6. The Management of the LLC will provide monthly reports of investment performance and holdings of Holders;
7. The note will allow for additional loans to be made by the Holders at the discretion of the Holders wherein the additional loan funds will be recognized and noted by the LLC Management via a receipt of the additional investment funds provided;
8. Holders may submit additional funds for investment between the ____ day of each month and the ____ day of the next month.
9. Payment of funds to Holders by the LLC will occur within ____ days of a written request by Holders to the LLC wherein the written request may be submitted via letter, email, or fax, and wherein the Management of the LLC will respond with a written statement of recognition of the request.
10. Holders may hold a shared bank account with the management of the LLC to provide for electronic banking transactions. (A line for specific account transactions, bank, etc. should be available in the note).
11. Holders are responsible for paying their respective taxes due on interest earned when such interest is recognized as defined by IRS standards with no liability associated with tax liabilities on interest recieved and accordingly recognized interest paid to Holders being implied or due by the LLC.
12. The Management of the LLC is responsible for paying taxes according to IRS standards associated with the LLC, management and operations thereof, including investment activities and gains recognized by the LLC, with no tax liability associated with the LLC being implied or due by Holders.
13. Use of funds provided by Holders and interest accrued and due to Holders associated with Holders funds being held and managed by the LLC will be strictly limited to investments made by the LLC in the International Funds Market.

— On Tue, 4/12/11, david@pdhawkinvestments.com <david@pdhawkinvestments.com> wrote:

From: david@pdhawkinvestments.com <david@pdhawkinvestments.com>
Subject: RE: Fw: Investment Structure
To: "Nicolas Pruett" <coloradodental@yahoo.com>
Date: Tuesday, April 12, 2011, 1:36 PM

I think the draws would be considered an interest expense. and I do agree that taxes should be recognized only when withdrawn and not "realized".
I do believe we are headed down the right road now.
Thanks
Dave

Exhibit
2

Account	Date	Deposit	Repayment	Description
Livingstone	12/1/2009	200		
Paige	1/31/2010	50		
Livingstone	4/2/2010	800		
Livingstone	4/6/2010		92.82	
Livingstone	5/3/2010		100	
Livingstone	5/3/2010	1000		
Livingstone	5/31/2010		100	
Livingstone	6/30/2010		100	
Paige	7/1/2010	100		
Livingstone	7/31/2010		100	
Livingstone	8/31/2010		100	
Livingstone	9/1/2010	1000		
Paige	9/1/2010	100		
Livingstone	9/30/2010		200	
Monthly	10/4/2010	100		
Livingstone	10/31/2010		200	
Monthly	11/2/2010	50		
Livingstone	11/30/2010		200	
Livingstone	12/4/2010	3000		
Monthly	12/4/2010	50		
Livingstone	12/31/2010		500	
Monthly	12/31/2010		248.6	(Transfer to Paige account)
Paige	12/31/2010	248.6		(Transfer from Livingstone monthly)
Livingstone	1/31/2011		500	
Livingstone	2/28/2011		500	
Livingstone	3/1/2011		2602.49	(Transfer to Paige account)
Paige	3/1/2011	2602.49		(Transfer from Livingstone)
Paige	3/1/2011	50		
Livingstone	3/31/2011		500	
Paige	3/31/2011		950	
Paige	4/1/2011	50		
Livingstone	4/30/2011		500	
Paige	5/3/2011	50		
Livingstone	5/31/2011		500	
Paige	6/1/2011	600		
Livingstone	6/30/2011		500	
Livingstone	7/1/2011	4508.32		(Transfer from Paige account)
Paige	7/1/2011		4508.32	(Transfer to Livingstone)
Livingstone	7/31/2011		500	
Livingstone	8/31/2011		1100	
Livingstone	9/30/2011		500	
Livingstone	10/31/2011		500	
Livingstone	11/30/2011		500	
		14559.41	16102.23	

Exhibit
 3

1542.82 (Deposits: \$14,559.41 - Repayments: \$16,102.23)

#	Investor Name	Total Investment		Investment After 8Dec11	Total Repaid Prior to 8Dec11	Total Repaid After 8Dec11	Net Profit or Loss	Net Profit or Loss Prior to Dec 8	Total Net Losses (Net Losers Only)	Total Net Losses Pre-Dec 8 (Net Losers Only)
		Investment	Investment							
1	Adams, Christian Matthew	\$ 1,100.00	\$ -	\$ 1,100.00	\$ -	\$ -	\$ (1,100.00)	\$ -	\$ -	\$ (1,100.00)
2	Allen, Jon	\$ 15,000.00	\$ -	\$ 15,000.00	\$ -	\$ 15,000.00	\$ (15,000.00)	\$ -	\$ -	\$ (15,000.00)
3	Babros, Kris and Sara (fiancé)	\$ 500.00	\$ -	\$ 500.00	\$ -	\$ -	\$ (500.00)	\$ -	\$ -	\$ (500.00)
4	Bengford, Bradley	\$ 2,500.00	\$ -	\$ 2,500.00	\$ -	\$ 1,200.00	\$ (1,300.00)	\$ -	\$ -	\$ (1,300.00)
5	Benner, Josh	\$ 10,000.00	\$ -	\$ 10,000.00	\$ -	\$ -	\$ (10,000.00)	\$ -	\$ -	\$ (10,000.00)
6	Bridges, Elaine	\$ 12,000.43	\$ -	\$ 12,000.43	\$ -	\$ 12,000.43	\$ (12,000.43)	\$ -	\$ -	\$ (12,000.43)
7	Coates, Dennis	\$ 10,000.00	\$ -	\$ 10,000.00	\$ -	\$ -	\$ (10,000.00)	\$ -	\$ -	\$ (10,000.00)
8	D'Mellow, Allen	\$ 30,000.00	\$ -	\$ 30,000.00	\$ -	\$ 55,000.00	\$ 25,000.00	\$ -	\$ NA	\$ NA
9	D'Mellow, Derrick	\$ 53,880.00	\$ -	\$ 53,880.00	\$ -	\$ 48,964.14	\$ 4,915.86	\$ (0.00)	\$ (0.00)	\$ (4,915.86)
10	Donels, Robert	\$ 200.00	\$ -	\$ 200.00	\$ -	\$ -	\$ (200.00)	\$ -	\$ -	\$ (200.00)
11	Evans, Bobbi	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ -	\$ (1,000.00)	\$ -	\$ -	\$ (1,000.00)
12	Ewell, William	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -	\$ 2,500.00	\$ (2,500.00)	\$ -	\$ -	\$ (2,500.00)
13	Frizell (Oster), Juanita	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -	\$ 5,000.00	\$ (5,000.00)	\$ -	\$ -	\$ (5,000.00)
14	Froedge, Julie	\$ 80.00	\$ -	\$ 80.00	\$ -	\$ -	\$ (80.00)	\$ -	\$ -	\$ (80.00)
15	Gonzalez, Chris	\$ 6,000.00	\$ -	\$ 6,000.00	\$ -	\$ -	\$ (6,000.00)	\$ -	\$ -	\$ (6,000.00)
16	Harris-Courtney, Laurie	\$ 100.00	\$ -	\$ 100.00	\$ -	\$ -	\$ (100.00)	\$ -	\$ -	\$ (100.00)
17	Hawkins, Michael	\$ 45,000.00	\$ -	\$ 45,000.00	\$ -	\$ 4,000.00	\$ (41,000.00)	\$ -	\$ -	\$ (41,000.00)
18	Hawkins, Rob	\$ 1,750.00	\$ -	\$ 1,750.00	\$ -	\$ -	\$ (1,750.00)	\$ -	\$ -	\$ (1,750.00)
19	Herrera, Ninfa	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -	\$ -	\$ (5,000.00)	\$ -	\$ -	\$ (5,000.00)
20	Hess, Jarod	\$ 11,000.00	\$ -	\$ 11,000.00	\$ -	\$ 7,500.00	\$ (3,500.00)	\$ -	\$ -	\$ (3,500.00)
21	Hess, Jason and Michelle	\$ 37,000.00	\$ -	\$ 37,000.00	\$ -	\$ 31,310.27	\$ 5,689.73	\$ -	\$ -	\$ (5,689.73)
22	Huff, Maurine	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ 1,210.00	\$ 210.00	\$ -	\$ NA	\$ NA
23	Hutchison, Steve	\$ 15,000.00	\$ -	\$ 15,000.00	\$ -	\$ 14,000.00	\$ (1,000.00)	\$ -	\$ -	\$ (1,000.00)
24	Hutchison, Wayne	\$ 20,000.00	\$ -	\$ 20,000.00	\$ -	\$ -	\$ (20,000.00)	\$ -	\$ -	\$ (20,000.00)
25	Ingalsbe, Eric	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -	\$ 5,000.00	\$ (5,000.00)	\$ -	\$ -	\$ (5,000.00)
26	Jensen, Jeff	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -	\$ -	\$ (5,000.00)	\$ -	\$ -	\$ (5,000.00)
27	Kafel, Ed	\$ 10,000.00	\$ -	\$ 10,000.00	\$ -	\$ -	\$ (10,000.00)	\$ -	\$ -	\$ (10,000.00)
28	Klinedinst, Matt	\$ 1,700.00	\$ -	\$ 1,700.00	\$ -	\$ -	\$ (1,700.00)	\$ -	\$ -	\$ (1,700.00)
29	Livingstone, Brian	\$ 10,508.32	\$ -	\$ 10,508.32	\$ -	\$ 10,395.31	\$ (113.01)	\$ -	\$ (113.01)	\$ (113.01)
30	Livingstone, Kevin	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ -	\$ (1,000.00)	\$ -	\$ -	\$ (1,000.00)
31	LNU, Brook and Bire (Connected to B Livingstone)	\$ 1,400.00	\$ -	\$ 1,400.00	\$ -	\$ -	\$ (1,400.00)	\$ -	\$ -	\$ (1,400.00)
32	LNU, Gabriel (Moore Stepson)	\$ 150.00	\$ -	\$ 150.00	\$ -	\$ -	\$ (150.00)	\$ -	\$ -	\$ (150.00)
33	LNU, Jim (Connected to B Livingstone)	\$ 140.00	\$ -	\$ 140.00	\$ -	\$ -	\$ (140.00)	\$ -	\$ -	\$ (140.00)
34	Gustin, Joan and Tom. (Joan is B Livingstone's mom)	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ -	\$ (1,000.00)	\$ -	\$ -	\$ (1,000.00)
35	LNU, Joanna C. (Moore Stepdaughter)	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ -	\$ (1,000.00)	\$ -	\$ -	\$ (1,000.00)
36	LNU, Michelle (Connected to B Livingstone)	\$ 5,500.00	\$ -	\$ 5,500.00	\$ -	\$ 6,500.00	\$ 1,000.00	\$ -	\$ NA	\$ NA
37	Livingstone, Paige (B Livingstone's Daughter)	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	\$ 950.00	\$ (50.00)	\$ -	\$ (50.00)	\$ (50.00)
38	Livingstone, Ray (B Livingstone's dad)	\$ 1,500.00	\$ -	\$ 1,500.00	\$ -	\$ 2,250.00	\$ 750.00	\$ -	\$ NA	\$ NA
39	LNU, Zaena	\$ 6,000.00	\$ -	\$ 6,000.00	\$ -	\$ -	\$ (6,000.00)	\$ -	\$ -	\$ (6,000.00)
40	Malchow, Paul and Julie	\$ 48,000.00	\$ -	\$ 48,000.00	\$ -	\$ 29,000.00	\$ (19,000.00)	\$ -	\$ -	\$ (19,000.00)
41	Manzanilla, David and Nicole	\$ 7,500.00	\$ -	\$ 7,500.00	\$ -	\$ 4,500.00	\$ (3,000.00)	\$ -	\$ -	\$ (3,000.00)
42	Marek, Scott	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -	\$ 2,500.00	\$ (2,500.00)	\$ -	\$ -	\$ (2,500.00)
43	Marianos, Rich	\$ 10,000.00	\$ -	\$ 10,000.00	\$ -	\$ -	\$ (10,000.00)	\$ -	\$ -	\$ (10,000.00)
44	McCormack, Owen	\$ 800.00	\$ -	\$ 800.00	\$ -	\$ -	\$ (800.00)	\$ -	\$ -	\$ (800.00)
45	McGuire, Rose	\$ 550.00	\$ -	\$ 550.00	\$ -	\$ 550.00	\$ (550.00)	\$ -	\$ -	\$ (550.00)
46	Moore, Ken and Lisa	\$ 162,030.86	\$ -	\$ 162,030.86	\$ -	\$ 82,878.94	\$ (79,151.92)	\$ 5.13	\$ NA	\$ (79,151.92)
47	O'Connell, Phillip	\$ 3,600.00	\$ -	\$ 3,600.00	\$ -	\$ -	\$ (3,600.00)	\$ -	\$ -	\$ (3,600.00)
48	O'Driscoll, Darren	\$ 26,780.00	\$ -	\$ 26,780.00	\$ 410.00	\$ 27,190.00	\$ (4,000.00)	\$ -	\$ -	\$ (4,000.00)
49	Ogden, Maria	\$ 4,000.00	\$ -	\$ 4,000.00	\$ -	\$ -	\$ (4,000.00)	\$ -	\$ -	\$ (4,000.00)

Exhibit
4

50	Parker, Jaime	\$ 1,640.00	\$ -	\$ 3,600.00	\$ 1,960.00	\$ 1,960.00	NA	NA
51	Pruitt, Nicholas	\$ 172,000.00	\$ -	\$ 20,000.00	\$ 15,000.00	\$ (137,000.00)	\$ (152,000.00)	\$ (152,000.00)
52	Reeves, Ron	\$ 7,500.00	\$ -	\$ -	\$ 7,500.00	\$ -	\$ (7,500.00)	\$ (7,500.00)
53	Rickerl, Bradley	\$ 400.00	\$ -	\$ -	\$ 400.00	\$ -	\$ (400.00)	\$ (400.00)
54	Rockenback, Sarah	\$ 500.00	\$ -	\$ -	\$ 500.00	\$ -	\$ (500.00)	\$ (500.00)
55	Rodgers, Jacque (& Sara Ryan)	\$ 92,000.00	\$ -	\$ 21,000.00	\$ (71,000.00)	\$ (71,000.00)	\$ (71,000.00)	\$ (71,000.00)
56	Rodgers, Jimmy	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	\$ -	\$ (10,000.00)	\$ (10,000.00)
57	Rowland, Derek	\$ 700.00	\$ -	\$ 675.00	\$ 25.00	\$ -	\$ (25.00)	\$ (25.00)
58	Sarkisian, John	\$ 3,500.00	\$ -	\$ 600.00	\$ 2,900.00	\$ -	\$ (2,900.00)	\$ (2,900.00)
59	Schoen, Myron	\$ 2,500.00	\$ -	\$ -	\$ 2,500.00	\$ -	\$ (2,500.00)	\$ (2,500.00)
60	Short, Todd	\$ 7,000.00	\$ -	\$ -	\$ 7,000.00	\$ -	\$ (7,000.00)	\$ (7,000.00)
61	Sory, John & Karrie	\$ 23,000.00	\$ -	\$ -	\$ 23,000.00	\$ -	\$ (23,000.00)	\$ (23,000.00)
62	Stevens, Anna Marie	\$ 33,500.00	\$ -	\$ 15,500.00	\$ 18,000.00	\$ -	\$ (18,000.00)	\$ (18,000.00)
63	Stevens, Dylan	\$ 820.00	\$ -	\$ -	\$ 820.00	\$ -	\$ (820.00)	\$ (820.00)
64	Stevens, Jaden	\$ 700.00	\$ -	\$ -	\$ 700.00	\$ -	\$ (700.00)	\$ (700.00)
65	Stevens, Mark and Ruth	\$ 13,000.00	\$ -	\$ 10,400.00	\$ 1,700.00	\$ (900.00)	\$ (2,600.00)	\$ (2,600.00)
66	Tasca, Steve	\$ 80,000.00	\$ -	\$ 78,215.61	\$ 14,714.39	\$ 12,930.00	\$ (1,784.39)	\$ (1,784.39)
67	Webb, Dawson	\$ 500.00	\$ -	\$ -	\$ 500.00	\$ -	\$ (500.00)	\$ (500.00)
68	Webb, George	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00	\$ -	\$ (5,000.00)	\$ (5,000.00)
69	Webb, Martin	\$ 35,967.00	\$ -	\$ 16,100.00	\$ 16,867.00	\$ (3,000.00)	\$ (19,867.00)	\$ (19,867.00)
70	Winter, Renee	\$ 400.00	\$ -	\$ -	\$ 400.00	\$ -	\$ (400.00)	\$ (400.00)
71	Wolf, Bob	\$ 2,000.00	\$ -	\$ 1,500.00	\$ 500.00	\$ -	\$ (500.00)	\$ (500.00)
72	Young, Greg	\$ 96,700.00	\$ -	\$ 64,580.00	\$ 28,540.00	\$ (3,580.00)	\$ (32,120.00)	\$ (32,120.00)
73	Young, Nell	\$ 16,300.00	\$ -	\$ 19,880.00	\$ -	\$ 3,580.00	NA	NA
Totals:		\$ 1,212,896.61	\$ 410.00	\$ 585,649.27	\$ 457,449.46	\$ (170,207.88)	\$ (627,657.34)	\$ (660,157.34)

Account	Date	Deposit	Repayment	Description
Greg Young	8/5/2010	12,500		
Greg Young	10/5/2010	4,000		
Greg Young	1/31/2011		10000	
Greg Young	2/5/2011	20,000		
Greg Young	3/2/2011		1800	
Nell Young	3/16/2011	13000		
Nell Young	3/31/2011		650	
Greg Young	4/4/2011	9,000		
Greg Young	4/30/2011		9000	
Nell Young	4/30/2011		1300	
Greg Young	5/2/2011	9000		
Nell Young	5/2/2011	1300		
Nell Young	5/4/2011	2000		
Greg Young	5/31/2011		9000	
Nell Young	6/2/2011		17930	(Transfer to Greg)
Greg Young - 2nd acct	7/5/2011	17700		
Greg Young	7/15/2011	24500		
Greg Young	7/31/2011		3000	
Greg Young - 2nd acct	7/31/2011		1770	
Greg Young - 2nd acct	8/31/2011		1770	
Greg Young	9/30/2011		6500	
Greg Young - 2nd acct	9/30/2011		1770	
Greg Young	10/31/2011		3000	
Greg Young - 2nd acct	10/31/2011		4470	
Greg Young	11/30/2011	4000		(Transfer from Greg #2)
Greg Young - 2nd acct	11/30/2011		4667	(Transfer to Martin)
Greg Young - 2nd acct	11/30/2011		4000	(Transfer to Greg)
Greg Young - 2nd acct	11/30/2011		7833	
Greg Young	12/31/2011		28540	
		117,000	117000	

Exhibit
5

Account Number 445502

Statement Period 01/01/12 thru 01/31/12

Page 2 of 3

Free Checking - 10 FREE CHECKING (continued)

<u>Trans Date</u>	<u>Eff Date</u>	<u>Transaction Description</u>	<u>Amount</u>	<u>Balance</u>
		Certified Draft 000185 for \$7,000.00		
		Certified Draft 000192 for \$5,000.00		
		Certified Draft 000154 for \$400.00		
01/03		Check 152.....	-1,700.00	255,122.36
01/03		Check 167.....	-5,000.00	250,122.36
01/03		Check 168.....	-7,500.00	242,622.36
01/03		Check 154.....	-400.00	242,222.36
01/03		Check 156.....	-3,600.00	238,622.36
01/03		Check 159.....	-6,000.00	232,622.36
01/03		Check 170.....	-400.00	232,222.36
01/03		Check 171.....	-550.00	231,672.36
01/03		Check 172.....	-700.00	230,972.36
01/03		Check 173.....	-820.00	230,152.36
01/03		Check 174.....	-4,000.00	226,152.36
01/03		Check 176.....	-6,700.00	219,452.36
01/03		Check 177.....	-13,000.00	206,452.36
01/03		Check 178.....	-500.00	205,952.36
01/03		Check 179.....	-1,784.39	204,167.97
01/03		Check 185.....	-7,000.00	197,167.97
01/03		Check 189.....	-28,540.00	168,627.97
01/03		Check 190.....	-5,000.00	163,627.97
01/03		Check 191.....	-16,867.00	146,760.97
01/03		Check 192.....	-5,000.00	141,760.97
01/04		Withdrawal	-15,000.00	126,760.97
01/04		Withdrawal Home Banking Transfer REF# 5HKS3L	-1,000.00	125,760.97
		To HUTCHISON,STEVE 499018 Share 10		
01/04		Withdrawal Home Banking Transfer	-2,500.00	123,260.97
		To MALCHOW,JULIE M 569372 Share 00		
		REF# GROTPD RUTH & MYRON SCHOEN		
		Certified Draft 000196 for \$20,000.00		
01/04		Check 165.....	-10,000.00	113,260.97
01/04		Check 182.....	-3,500.00	109,760.97
01/04		Check 184.....	-5,000.00	104,760.97
01/04		Check 196.....	-20,000.00	84,760.97
01/05		Check 180.....	-1,000.00	83,760.97
01/05		Check 193.....	-10,000.00	73,760.97
01/06		Check 161.....	-80.00	73,680.97
		Certified Draft 000194 for \$6,000.00		
01/09		Check 158.....	-1,000.00	72,680.97
01/09		Check 181.....	-1,100.00	71,580.97
01/09		Check 187.....	-2,500.00	69,080.97
01/09		Check 194.....	-6,000.00	63,080.97
01/10		Withdrawal	-20,003.00	43,077.97
01/10		Check 183.....	-4,915.86	38,162.11
01/10		Check 197.....	-23,000.00	15,162.11
01/11		Check 155.....	-1,300.00	13,862.11
01/19		Withdrawal	-13,200.00	662.11
		Certified Draft 000186 for \$500.00		
01/23		Check 186.....	-500.00	162.11

Exhibit
6

DAVID N HAWKINS
 6334 CRYSTAL MOUNTAIN RD 719-596-4295
 COLORADO SPRINGS, CO 80922-4462

189
 62-7000/2070
 28

Date 12/3/11

Pay to the Order of Greg Young \$ 28540.00

twenty eight thousand five hundred forty and 00/100 Dollars

Ent - P.O. Box 5818 • Colorado Springs, CO 80935-5818
 (719) 574-1100 • 800-525-8623 • Ent.com

For _____ David N Hawkins

⑆ 30 70 7000 5⑆ 1000 44 550 2 10 5⑆ 00 18 9

©2010 America

C/Entered on
1/3/12

Account Number 445502

Statement Period 07/01/11 thru 07/31/11

Page 1 of 4



73067-0.74-33695N11.no3 1 - 2



DAVID N HAWKINS
6334 CRYSTAL MOUNTAIN RD
COLORADO SPRINGS CO 80922-4462



Questions? Contact us:

Member Service:
Co Springs: (719) 574-1100
Toll-Free: 800-525-9623
Online: Ent.com
Mail: P.O. Box 15819
Colorado Springs, CO 80935-5819

SUMMARY OF YOUR STATEMENT INFORMATION

BALANCE

Freedom is a credit union where you belong. Thank you for your membership!

Savings (1) 35.01
Checking (1) 47,152.75

*Imagine making lower monthly payments on your auto loan!
Whether you're looking for that new-to-you vehicle or want to
refinance a loan from another lender, Ent's Used-Same-As-New
rates can save you money! Take advantage of this special limited
time offer by stopping by your nearest Ent Service Center or
calling (719) 574-1100 or 800-525-9623 today.*

Primary Savings - 00 PRIMARY SAVINGS Dividends Earned YTD: 0.24
Beginning Balance + Deposits & Other Credits (1) - Withdrawals & Other Debits (1) = Ending Balance
\$35.11 \$0.01 \$0.11 \$35.01

Trans Date	Eff Date	Transaction Description	Amount	Balance
		Beginning Balance		35.11
	07/21	Withdrawal Home Banking Transfer To Share 10 REF# Q31VHY	-0.11	35.00
	07/31	Deposit Dividend 0.200%	0.01	35.01
		Annual Percentage Yield Earned 0.340% for period: 07/01/11 to 07/31/11		
		Ending Balance		35.01

Free Checking - 10 FREE CHECKING Dividends Earned YTD: 0.00
Beginning Balance + Deposits & Other Credits (15) - Checks Cleared (3) - Withdrawals & Other Debits (27) = Ending Balance
\$31,540.73 \$143,000.11 \$8,060.46 \$119,327.63 \$47,152.75

Trans Date	Eff Date	Transaction Description	Amount	Balance
		Beginning Balance		31,540.73
	07/01	Deposit	14,600.00	46,140.73
	07/03	Deposit Home Banking Transfer REF# WXITXG	100.00	46,240.73
		From OCONNELL, PHILLIP 558365 Share 10		
	07/05	Withdrawal Home Banking Transfer REF# T5HKY5	-2,000.00	44,240.73
		To WEBB, MARTIN W 556262 Share 00		

Exhibit
7

Account Number 445502

Statement Period 01/01/12 thru 01/31/12

Page 2 of 3

Free Checking - 10 FREE CHECKING (continued)

<u>Trans Date</u>	<u>Eff Date</u>	<u>Transaction Description</u>	<u>Amount</u>	<u>Balance</u>
		Certified Draft 000185 for \$7,000.00		
		Certified Draft 000192 for \$5,000.00		
		Certified Draft 000154 for \$400.00		
01/03		Check 152.....	-1,700.00	255,122.36
01/03		Check 167.....	-5,000.00	250,122.36
01/03		Check 168.....	-7,500.00	242,622.36
01/03		Check 154.....	-400.00	242,222.36
01/03		Check 156.....	-3,600.00	238,622.36
01/03		Check 159.....	-6,000.00	232,622.36
01/03		Check 170.....	-400.00	232,222.36
01/03		Check 171.....	-550.00	231,672.36
01/03		Check 172.....	-700.00	230,972.36
01/03		Check 173.....	-820.00	230,152.36
01/03		Check 174.....	-4,000.00	226,152.36
01/03		Check 176.....	-6,700.00	219,452.36
01/03		Check 177.....	-13,000.00	206,452.36
01/03		Check 178.....	-500.00	205,952.36
01/03		Check 179.....	-1,784.39	204,167.97
01/03		Check 185.....	-7,000.00	197,167.97
01/03		Check 189.....	-28,540.00	168,627.97
01/03		Check 190.....	-5,000.00	163,627.97
01/03		Check 191.....	-16,867.00	146,760.97
01/03		Check 192.....	-5,000.00	141,760.97
01/04		Withdrawal	-15,000.00	126,760.97
01/04		Withdrawal Home Banking Transfer REF# 5HKS3L	-1,000.00	125,760.97
		To HUTCHISON,STEVE 499018 Share 10		
01/04		Withdrawal Home Banking Transfer	-2,500.00	123,260.97
		To MALCHOW,JULIE M 569372 Share 00		
		REF# GROTPD RUTH & MYRON SCHOEN		
		Certified Draft 000196 for \$20,000.00		
01/04		Check 165.....	-10,000.00	113,260.97
01/04		Check 182.....	-3,500.00	109,760.97
01/04		Check 184.....	-5,000.00	104,760.97
01/04		Check 196.....	-20,000.00	84,760.97
01/05		Check 180.....	-1,000.00	83,760.97
01/05		Check 193.....	-10,000.00	73,760.97
01/06		Check 161.....	-80.00	73,680.97
		Certified Draft 000194 for \$6,000.00		
01/09		Check 158.....	-1,000.00	72,680.97
01/09		Check 181.....	-1,100.00	71,580.97
01/09		Check 187.....	-2,500.00	69,080.97
01/09		Check 194.....	-6,000.00	63,080.97
01/10		Withdrawal	-20,003.00	43,077.97
01/10		Check 183.....	-4,915.86	38,162.11
01/10		Check 197.....	-23,000.00	15,162.11
01/11		Check 155.....	-1,300.00	13,862.11
01/19		Withdrawal	-13,200.00	662.11
		Certified Draft 000186 for \$500.00		
01/23		Check 186.....	-500.00	162.11

DAVID N HAWKINS
6334 CRYSTAL MOUNTAIN RD 719-596-4295
COLORADO SPRINGS, CO 80922-4482

Date 12/3/11

191
62-7000/3070
28

Pay to the Order of MARTIN WEBB \$ 16967.00

sixteen thousand eight hundred sixty seven and ⁰⁰/₁₀₀ Dollars

Ent • P.O. Box 15819 • Colorado Springs, CO 80935-5819
(719)574-1100 • 800-625-9623 • Ent.com

For _____ David N P RF

⑆ 307070005⑆ 1000445502 605000191

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01032012 11 1101 702 14 1372276
ENT FCU 7250 CAMPUS DR.
COLORADO SPRINGS CO 80920

Maite Webb
556262



ISSUED

Court-issued document. The moving party is hereby ORDERED to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 5 days from the date of this order. For questions, contact El Paso County Combined Court at 719-448-7650.

Lynette D. Collins
Lynette D. Collins
 El Paso County Clerk of Court
 DATE OF ORDER INDICATED ON ATTACHMENT

Colorado Springs, CO 80903

Plaintiff:
 NICOLAS R. PRUETT

Paso
11/3/13

FILED Document
 CO El Paso County District Court 4th JD
 Filing Date: Jan 5 2012 1:30PM ALD
 Filing ID: 4636523
 Review Court N/A

v.

Defendant:
 DAVID N. HAWKINS

↑ COURT USE ONLY ↑

Attorneys for Plaintiff
 Erin M. Jensen, Atty Reg. #39449
 Eric S. Howard, Atty Reg. #36432
 HOWARD & JENSEN LLC
 30 E. Klowa Street, Suite 104
 Colorado Springs, CO 80903
 Phone No.: 719-362-5560
 Fax: 800-584-9002
 E-Mail: ejensen@howardandjensen.com
ehoward@howardandjensen.com

Case No.: 2012cv808

Div.: 14

WRIT OF GARNISHMENT WITH NOTICE OF EXEMPTION AND PENDING LEVY

Judgment Debtor's name, last known address, other identifying information: David N. Hawkins, 6334 Crystal Mountain Road, Colorado Springs, CO 80923

1. Original Amount of Judgment Entered	<u>March 1, 2012</u>	(date)	\$ <u>176,902.65</u>
2. Plus any Interest Due on Judgment	<u>(.45 % per annum on \$172,000 and 8% per annum on \$4,902.65) + \$20,247.29</u>		
3. Taxable Costs (including estimated cost of service of this Writ)			+ \$ <u>1190.00</u>
4. Less any Amount Paid			- \$ <u> </u>
5. Principal Balance/Total Amount Due and Owning			= \$ <u>198,339.94</u>

I affirm that I am authorized to act for the Judgment Creditor and this is a correct statement as of June 4, 2012 (date).

Subscribed under oath before me on 6/4/2012
Gwendolyn H Sellers
 Notary Public or Deputy Clerk

Nicolas R. Pruett
 Print Judgment Creditor's Name
 Address: c/o Erin M. Jensen, Howard & Jensen LLC
30 E. Klowa Street, Suite 104
Colorado Springs, CO 80903

My Commission Expires: 2/14/2015
GWENDOLYN H SELLERS
 Notary Public
 State of Colorado

By: *[Signature]*
Erin M. Jensen, #39449
 Attorney for Judgment Creditor

WRIT OF GARNISHMENT WITH NOTICE OF EXEMPTION AND PENDING LEVY

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County, or to any person 18 years or older and who is not a party to this action:
 You are directed to serve a copy of this Writ of Garnishment upon FirstBank, Garnishee, with proper return of service to be made to the Court.

TO THE GARNISHEE:

YOU ARE HEREBY SUMMONED AS GARNISHEE IN THIS ACTION AND ORDERED:

- To answer the following questions under oath and file your answers with the Clerk of the Court (AND to mail a completed copy with your answers to the Judgment Creditor or attorney when a stamped envelope is attached) within 10 days following service of this Writ upon you. YOUR FAILURE TO ANSWER THIS WRIT WITH NOTICE MAY RESULT IN THE ENTRY OF A DEFAULT AGAINST YOU.
- To hold pending court order the personal property of any kind (other than earnings of a natural person) in your possession or control, including the debts, credits, choses in action or money owed to the Judgment Debtor whether they are due at the time of the service of the writ or are to become due thereafter.

YOU ARE NOTIFIED:

Exhibit
9

NO FUNDS

[Signature] 6/7/12

- a. This Writ with Notice applies to all personal property (other than earnings) owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you. Signature Date: 6/7/12
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. If you are ordered to pay funds to the Court, tender your check for the amount ordered PAYABLE TO THE CLERK OF THE EL PASO COUNTY DISTRICT, COURT AT 270 S. Tejon Street, Colorado Springs, COLORADO.

CLERK OF THE COURT

By Deputy Clerk: _____

DATE: _____

QUESTIONS TO BE ANSWERED BY GARNISHEE

Judgment Debtor's Name: David N. Hawkins Case Number: 2012cv808

The following questions MUST be answered by you under oath:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or moneys other than earnings to the Judgment Debtor?
 YES NO
- b. If YES, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation. (Attach additional pages if necessary): _____
- c. Do you claim any setoff against any property, debt or obligation listed above? YES NO
- d. If you answered YES to question c, describe the nature and amount of the setoff claimed. (Attach additional pages if necessary): _____

I affirm that I am authorized to act for the Garnishee and the above answers are true and correct.

Subscribed and sworn to before me on 11/11/13 (date)
[Signature]
Notary Public/Deputy Clerk

Name of Garnishee (Print) FIRSTBANK
Address: 12345 W COLFAX
LAKEWOOD, CO 80403
Phone Number: (303) 235-1446

My Commission Expires: _____
[Seal] My Commission Expires 10/19/2014

Name of Person Answering (Print) [Signature]
Signature of Person Answering [Signature]

NOTICE TO JUDGMENT DEBTOR OF EXEMPTION AND PRIORITY LEVY

This Writ with Notice is a Court order which may cause your property or money to be held and taken to pay a judgment entered against you. You have legal rights which may protect all or part of your money or property from being taken. Part of the money or property which may not be taken is called "exempt property." A partial list of exempt property is set out below, along with the law which may make all or part of your money or property exempt. The purpose of this notice is to tell you about these rights.

- 1. All or part of your property listed in Sections 13-54-101 and 102, C.R.S., including clothing, jewelry, books, burial plots, tools, equipment, tools, food, tools, an unperfected and implements within, flowers, stock-in-trade, and other personal property.

- 14. Police Officer's and Firefighter's pension fund payments under Sections 31-30-1117 & 31-30.5-208 and 31-31-203, C.R.S.
- 15. Utility and security deposits under Section 13-54-102(1)(r), C.R.S.
- 16. Proceeds of the sale of homestead property under Section 38-41-207, C.R.S.
- 17. Veteran's Administration benefits under 38 U.S.C. §5301.
- 18. Civil service retirement benefits under 5 U.S.C. §8346.
- 19. Mobile homes and trailers under Section 38-41-201.6, C.R.S.
- 20. Certain retirement and pension funds and benefits under Section 13-54-102(1)(s), C.R.S.
- 21. A Court-ordered child support or maintenance obligation or payment under Section 13-54-102(1)(u), C.R.S.
- 22. Public or private disability benefits under Section 13-54-102(1)(v), C.R.S.

If the money or property which is being withheld from you includes any "exempt property", you must file within 10 days of receiving this notice a written Claim of Exemption with the Clerk of the Court describing what money or property you think is "exempt property" and the reason that it is exempt. YOU MUST USE THE APPROVED FORM attached to this Writ or a copy of it. When you file the claim, you must immediately deliver, by certified mail, return receipt requested, a copy of your claim to the Garnishee (person/place that was garnished) and to the Judgment Creditor's attorney, or if none, to the Judgment Creditor at the address shown on this Writ with Notice. Notwithstanding your right to claim the property as "exempt," no exemption other than the exemptions set forth in Section 13-54-104(3), C.R.S., may be claimed for a Writ which is the result of a judgment taken for arrearages for child support or for child support debt.

Once you have properly filed your claim, the court will schedule a hearing within 10 days. The Clerk of the Court will notify you and the Judgment Creditor or attorney of the date and time of the hearing, by telephone, by mail or in person.

When you come to your hearing, you should be ready to explain why you believe your money or property is "exempt property". If you do not appear at the scheduled time, your money or property may be taken by the Court to pay the judgment entered against you.

REMEMBER THAT THIS IS ONLY A PARTIAL LIST OF "EXEMPT PROPERTY"; you may wish to consult with a lawyer who can advise you of your rights. If you cannot afford one, there are listings of legal assistance and legal aid offices in the yellow pages of the telephone book.

You must act quickly to protect your rights. Remember, you only have 10 days after receiving this notice to file your claim of exemption with the Clerk of the Court.

RETURN OF SERVICE

Judgment Debtor's Name: David N. Hawkins Case Number: 2012cv808

I declare under oath that I am 18 years or older and not a party to the action and have served a copy of this Writ of Garnishment on FirstBank (name of garnishee) in El Paso (County) Colorado (State) on _____ (date) _____ (time) at the following location:

5815 Constitution Avenue, Colorado Springs, CO 80915

By (Check one):

- By handing it to a person identified to me as _____ (name of garnishee).
- By leaving it with _____ (Type or write name legibly), who is designated to receive service because of a legal relationship with _____ (name of garnishee) as provided for in C.R.C.P. 4(e).
- I attempted to serve _____ (name of garnishee) on _____ occasions but have not been able to locate him/her/it. Return to the Judgment Creditor is made on _____ (date).
- I attempted to leave it with _____ (name of person) who refused service.
- Private process server _____
- Sheriff, _____ County _____
Fee \$ _____ Mileage \$ _____

Signature of Process Server


Name (Print or type)

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20____. Note: Not required for service by a sheriff or deputy.

My Commission Expires: _____

Notary Public/Clerk

JUN 06 2012

	<p>ISSUED</p>	<p>Court-issued document. The moving party is hereby ORDERED to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 5 days from the date of this order. For questions, contact El Paso County Combined Court at 719-484-7680.</p>	<p><i>Lynette D. Collins</i> Lynette D. Collins El Paso County Clerk of Court DATE OF ORDER INDICATED ON ATTACHMENT</p>
<p>Colorado Springs, CO 80903</p>		<p>FILED Document CO El Paso County District Court 4th JD Filing Date: Jun 5 2012 1:30PM MDT Filing ID: 44636524 Return Clerk: N/A</p> <p>↑ COURT USE ONLY ↑</p>	<p>Case No.: 2012cv008</p> <p>Div.: 14</p>
<p>Plaintiff: NICOLAS R. PRUETT</p> <p>v.</p> <p>Defendant: DAVID N. HAWKINS</p>		<p>Attorneys for Plaintiff Erin M. Jensen, Atty Reg. #38449 Eric S. Howard, Atty Reg. #38432 HOWARD & JENSEN LLC 30 E. Kiowa Street, Suite 104 Colorado Springs, CO 80903 Phone No.: 719-382-5580 Fax: 800-684-8002 E-Mail: ejensen@howardandjensen.com ehoward@howardandjensen.com</p>	
<p>WRIT OF GARNISHMENT WITH NOTICE OF EXEMPTION AND PENDING LEVY</p>			

Judgment Debtor's name, last known address, other identifying information: David N. Hawkins, 8334 Crystal Mountain Res., Colorado Springs, CO 80923

1. Original Amount of Judgment Entered	<u>March 1, 2012</u>	(date)	\$ 178,902.85
2. Plus any Interest Due on Judgment	<u>4.5% per annum on \$172,000 and 8% per annum on \$4,902.85</u>		+ \$20,247.28
3. Taxable Costs (including estimated cost of service of this Writ)			+ \$ 1180.00
4. Less any Amount Paid			- \$
5. Principal Balance/Total Amount Due and Owning			= \$ 198,339.94

I affirm that I am authorized to act for the Judgment Creditor and this is a correct statement as of June 4, 2012 (date).

Subscribed under oath before me on 6/4/2012
Gwendolyn H Sellers
 Notary Public in and for the State of Colorado
 My Commission Expires 2/14/2015
 Notary Public
 State of Colorado

Nicolas R. Pruetl
 Print Judgment Creditor's Name
 Address: c/o Erin M. Jensen, Howard & Jensen LLC
 30 E. Kiowa Street, Suite 104
 Colorado Springs, CO 80903
 By: *[Signature]*
 Erin M. Jensen, #38449
 Attorney for Judgment Creditor

WRIT OF GARNISHMENT WITH NOTICE OF EXEMPTION AND PENDING LEVY

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County, or to any person 18 years or older and who is not a party to this action:
 You are directed to serve a copy of this Writ of Garnishment upon ENT Federal Credit Union, Garnishee, with proper return of service to be made to the Court.

TO THE GARNISHEE:
 YOU ARE HEREBY SUMMONED AS GARNISHEE IN THIS ACTION AND ORDERED:

- To answer the following questions under oath and file your answers with the Clerk of the Court (AND to mail a completed copy with your answers to the Judgment Creditor or attorney when a stamped envelope is attached) within 10 days following service of this Writ upon you. **YOUR FAILURE TO ANSWER THIS WRIT WITH NOTICE MAY RESULT IN THE ENTRY OF A DEFAULT AGAINST YOU.**
- To hold pending court order the personal property of any kind (other than earnings of a natural person) in your possession or control, including the debts, credits, choses in action or money owed to the Judgment Debtor whether they are due at the time of the service of the writ or are to become due thereafter.

YOU ARE NOTIFIED:

- a. This Writ with Notice applies to all personal property (other than earnings) owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. If you are ordered to pay funds to the Court, tender your check for the amount ordered PAYABLE TO THE CLERK OF THE EL PASO COUNTY DISTRICT, COURT AT 270 S. Tejon Street, Colorado Springs, COLORADO.

CLERK OF THE COURT

By Deputy Clerk: _____

DATE: _____

QUESTIONS TO BE ANSWERED BY GARNISHEE

Judgment Debtor's Name: David N. Hawkins Case Number: 2012cv020

The following questions MUST be answered by you under oath:

a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or moneys other than earnings to the Judgment Debtor?

YES NO

b. If YES, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary): \$ 4407.95

c. Do you claim any setoff against any property, debt or obligation listed above? YES NO

d. If you answered YES to question c, describe the nature and amount of the setoff claimed: (Attach additional pages if necessary): NA

I affirm that I am authorized to act for the Garnishee and the above answers are true and correct.

Subscribed under oath before me on June 6, 2012 (date)

[Signature]
Notary Public/Deputy Clerk

Name of Garnishee (Print) Cent Federal Credit Union

Address: 2250 Campus Dr C/S CO 80920

Phone Number 719 574-1100

My Commission Expires September 15, 2015

El Paso County, CO

Name of Person Answering (Print) Emilie Maldonado

Signature of Person Answering [Signature]

NOTICE TO JUDGMENT DEBTOR OF EXEMPTION AND PENDING LEVY

This Writ with Notice is a Court order which may cause your property or money to be held and taken to pay a judgment entered against you. You have legal rights which may prevent all or part of your money or property from being taken. That part of the money or property which may not be taken is called "exempt property". A partial list of "exempt property" is shown below, along with the law which may make all or part of your money or property exempt. The purpose of this notice is to tell you about these rights.

PARTIAL LIST OF EXEMPT PROPERTY

1. All or part of your property listed in Sections 13-64-101 and 102, C.R.S., including clothing, jewelry, books, burial sites, household goods, food and fuel, farm animals, seed, tools, equipment and implements, military allowances, stock-in-trade and certain items used in your occupation, bicycles, motor vehicles (greater for disabled persons), life insurance, income tax refunds, including a refund attributed to an earned income tax credit or child tax credit, money received because of loss of property or for personal injury, equipment that you need because of your health, or money received because you were a victim of a crime.
2. All or part of your earnings under Section 13-64-104, C.R.S.
3. Worker's compensation benefits under Section 8-42-124, C.R.S.
4. Unemployment compensation benefits under Section 8-80-103, C.R.S.
5. Group life insurance benefits under Section 10-7-205, C.R.S.
6. Health insurance benefits under Section 10-16-212, C.R.S.
7. Fraternal society benefits under Section 10-14-403, C.R.S.
8. Family allowances under Section 15-11-404, C.R.S.
9. Teachers' retirement fund benefits under Section 22-64-120, C.R.S.
10. Public employees' retirement benefits (PERA) under Sections 24-51-212 and 24-54-111, C.R.S.
11. Social security benefits (OASDI, SSI) under 42 U.S.C. §407.
12. Railroad employee retirement benefits under 45 U.S.C. §231m.
13. Public assistance benefits (OAP, AFDC, TANF, AND, AB, LEAP) under Section 26-2-131, C.R.S.

- 14. Police Officer's and Firefighter's pension fund payments under Sections 31-30-1117 & 31-30.6-208 and 31-31-203, C.R.S.
- 15. Utility and security deposits under Section 13-64-102(1)(f), C.R.S.
- 16. Proceeds of the sale of homestead property under Section 38-41-207, C.R.S.
- 17. Veteran's Administration benefits under 38 U.S.C. §8301.
- 18. Civil service retirement benefits under 5 U.S.C. §8346.
- 19. Mobile homes and trailers under Section 38-41-201.6, C.R.S.
- 20. Certain retirement and pension funds and benefits under Section 13-64-102(1)(e), C.R.S.
- 21. A Court-ordered child support or maintenance obligation or payment under Section 13-64-102(1)(a), C.R.S.
- 22. Public or private disability benefits under Section 13-64-102(1)(v), C.R.S.

If the money or property which is being withheld from you includes any "exempt property", you must file within 10 days of receiving this notice a written Claim of Exemption with the Clerk of the Court describing what money or property you think is "exempt property" and the reason that it is exempt. YOU MUST USE THE APPROVED FORM attached to this Writ or a copy of it. When you file the claim, you must immediately deliver, by certified mail, return receipt requested, a copy of your claim to the Garnishee (person/place that was garnished) and to the Judgment Creditor's attorney, or if none, to the Judgment Creditor at the address shown on this Writ with Notice. Notwithstanding your right to claim the property as "exempt," no exemption other than the exemptions set forth in Section 13-64-104(3), C.R.S., may be claimed for a Writ which is the result of a judgment taken for arrearages for child support or for child support debt.

Once you have properly filed your claim, the court will schedule a hearing within 10 days. The Clerk of the Court will notify you and the Judgment Creditor or attorney of the date and time of the hearing, by telephone, by mail or in person.

When you come to your hearing, you should be ready to explain why you believe your money or property is "exempt property". If you do not appear at the scheduled time, your money or property may be taken by the Court to pay the judgment entered against you.

REMEMBER THAT THIS IS ONLY A PARTIAL LIST OF "EXEMPT PROPERTY"; you may wish to consult with a lawyer who can advise you of your rights. If you cannot afford one, there are listings of legal assistance and legal aid offices in the yellow pages of the telephone book.

You must act quickly to protect your rights. Remember, you only have 10 days after receiving this notice to file your claim of exemption with the Clerk of the Court.

RETURN OF SERVICE

Judgment Debtor's Name: David N. Hawkins Case Number: 2012cv008

I declare under oath that I am 18 years or older and not a party to the action and have served a copy of this Writ of Garnishment on ENT Federal Credit Union (name of garnishee) in El Paso (County) Colorado (State) on _____ (date) _____ (time) at the following location:

7250 Camino Drive, Colorado Springs, CO 80920

By (Check one):

- By handing it to a person identified to me as _____ (name of garnishee).
- By leaving it with _____ (Type or write name legibly), who is designated to receive service because of a legal relationship with _____ (name of garnishee) as provided for in C.R.C.P. 4(e).
- I attempted to serve _____ (name of garnishee) on _____ occasions but have not been able to locate him/her/it. Return to the Judgment Creditor is made on _____ (date).
- I attempted to leave it with _____ (name of person) who refused service.
- Private process server _____
- Sheriff, _____ County _____
Fee \$ _____ Mileage \$ _____

Signature of Process Server _____
Name (Print or type) _____

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____ this _____ day of _____, 20____. Note: Not required for service by a sheriff or deputy.

My Commission Expires: _____ Notary Public/Clerk _____



Ent Federal Credit Union
P.O. Box 15819
Colorado Springs, CO 80923-5819
(719) 574-1100 • 800-525-9623
Ent.com

06/06/2012

Pauline D Hawkins
6334 Crystal Mountain Rd
Colorado Springs, CO 80923-4426

Dear Pauline D Hawkins:

This is to inform you that Ent has been served with a court-ordered garnishment against your account(s). A \$100.00 processing fee has been charged to your account in association with this order. ~~For your records, a copy of the court order is enclosed.~~

The credit union is required by law to comply with the court order. In compliance with that order, funds have been withdrawn from your account(s). As the law requires, the funds will be paid in accordance with the garnishment unless we receive an order to release the funds back to your account.

The funds have been withdrawn as follows:

Account Number	<u>279230-00</u>	in the amount of \$	<u>2,835.00</u>
Account Number	<u>279230-10</u>	in the amount of \$	<u>3.50</u>
Account Number	<u> </u>	in the amount of \$	<u> </u>
Account Number	<u> </u>	in the amount of \$	<u> </u>

If you have any questions, please contact us at (719) 574-1100 or 800-525-9623.

Sincerely,

Emilie Maldonado
Account Services Representative
Extension: 6877

Enclosure



Ent Federal Credit Union
P.O. Box 15819
Colorado Springs, CO 80935-5819
(719) 574-1100 • 800-525-9623
Ent.com

06/06/2012

David N Hawkins
6334 Crystal Mountain Rd
Colorado Springs, CO 80922-4462

Dear David N Hawkins:

This is to inform you that Ent has been served with a court-ordered garnishment against your account(s). A \$100.00 processing fee has been charged to your account in association with this order. For your records, a copy of the court order is enclosed.

The credit union is required by law to comply with the court order. In compliance with that order, funds have been withdrawn from your account(s). As the law requires, the funds will be paid in accordance with the garnishment unless we receive an order to release the funds back to your account.

The funds have been withdrawn as follows:

Account Number	<u>279230-00</u>	in the amount of \$	<u>2,835.00</u>
Account Number	<u>279230-10</u>	in the amount of \$	<u>3.50</u>
Account Number	<u>551703-10</u>	in the amount of \$	<u>53.49</u>
Account Number	<u>551703-00</u>	in the amount of \$	<u>60.06</u>

If you have any questions, please contact us at (719) 574-1100 or 800-525-9623.

Sincerely,

Emilie Maldonado
Account Services Representative
Extension: 6877

Enclosure



Ent Federal Credit Union
P O Box 15819
Colorado Springs, CO 80935-5819
(719) 574-1100 • 800-525-9623
Ent.com

06/06/2012

David N Hawkins
6334 Crystal Mountain Rd
Colorado Springs, CO 80922-4462

Dear David N Hawkins:

This is to inform you that Ent has been served with a court-ordered garnishment against your account(s). A \$100.00 processing fee has been charged to your account in association with this order. For your records, a copy of the court order is enclosed.

The credit union is required by law to comply with the court order. In compliance with that order, funds have been withdrawn from your account(s). As the law requires, the funds will be paid in accordance with the garnishment unless we receive an order to release the funds back to your account.

The funds have been withdrawn as follows:

Account Number	<u>490169-10</u>	in the amount of \$	<u>1.87</u>
Account Number	<u>445502-10</u>	in the amount of \$	<u>677.51</u>
Account Number	<u>445502-00</u>	in the amount of \$	<u>60.07</u>
Account Number	<u>437813-00</u>	in the amount of \$	<u>716.43</u>

If you have any questions, please contact us at (719) 574-1100 or 800-525-9623.

Sincerely,

Emilie Maldonado
Account Services Representative
Extensior: 6877

Enclosure



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06/06/2012

David N Hawkins
6334 Crystal Mountain Rd
Colorado Springs, CO 80922-4462

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The credit union is required by law to comply with the court order. In compliance with that order, funds have been withdrawn from your account(s). As the law requires, the funds will be paid in accordance with the garnishment unless we receive an order to release the funds back to your account.

The funds have been withdrawn as follows:

Account Number	<u>514502-00</u>	in the amount of \$	<u>143.16</u>
Account Number	<u> </u>	in the amount of \$	<u> </u>
Account Number	<u> </u>	in the amount of \$	<u> </u>
Account Number	<u> </u>	in the amount of \$	<u> </u>

If you have any questions, please contact us at (719) 574-1100 or 800-525-9623.

Sincerely,

Emilie Maldonado
Account Services Representative
Extension: 6877

Enclosure



Ent Federal Credit Union
P.O. Box 15819
Colorado Springs, CO 80935-5819
(719) 574-1100 • 800-525-9623
Ent.com

06/06/2012

Ian David Hawkins
6334 Crystal Mountain Rd
Colorado Spgs, CO 80922

Dear Ian David Hawkins:

This is to inform you that Ent has been served with a court-ordered garnishment against your account(s). A ~~\$100.00 processing fee has been charged to your account in association with this order.~~ For your records, a copy of the court order is enclosed.

The credit union is required by law to comply with the court order. In compliance with that order, funds have been withdrawn from your account(s). As the law requires, the funds will be paid in accordance with the garnishment unless we receive an order to release the funds back to your account.

The funds have been withdrawn as follows:

Account Number	<u>437813-00</u>	in the amount of \$	<u>716.45</u>
Account Number	<u> </u>	in the amount of \$	<u> </u>
Account Number	<u> </u>	in the amount of \$	<u> </u>
Account Number	<u> </u>	in the amount of \$	<u> </u>

If you have any questions, please contact us at (719) 574-1100 or 800-525-9623.

Sincerely,

Emilie Maldonado
Account Services Representative
Extension: 6877

Enclosure