

# EXHIBITS

A-Z

CERTIFICATE OF SERVICE

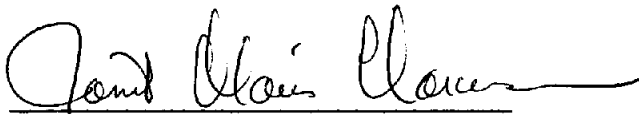
This is to certify, under penalty of perjury under the laws of the United States of America, pursuant to 28 USC §1746, that I have caused the service of a true and correct copy of the foregoing:

EXHIBITS TO STATEMENT OF FACTS

upon the following address by placing same in a sealed envelope, bearing sufficient postage for delivery via the United States Postal Service, to:

Clerk of Court  
United States District Court  
111 N. Adams Street  
Tallahassee, FL 32301-7730

on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.



Janet Mavis Marcusse  
#17128-045  
Federal Correctional Institution  
501 Capital Circle, NE  
Tallahassee, FL 32301

CERTIFICATE OF SERVICE

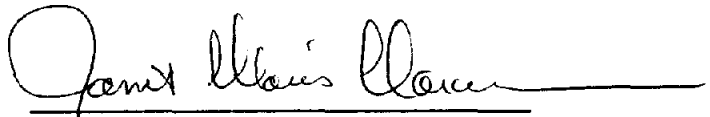
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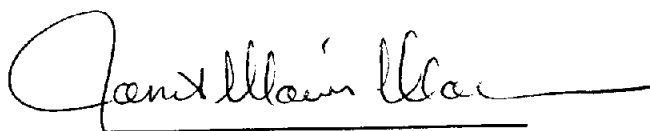
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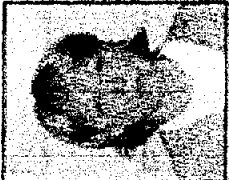
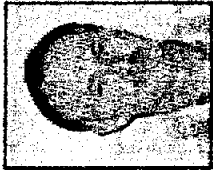
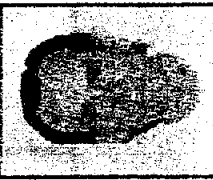

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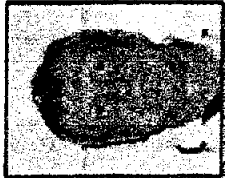
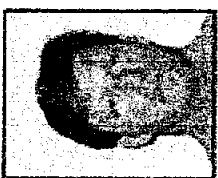

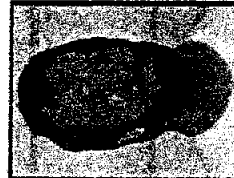
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Photograph	Participant	Counts	Charge	Sentence
 Founder/Leader	<b>Janet Mavis Marcusse</b> Age 49 Grand Rapids, MI	39 1 1 1 18 1	Mail Fraud Conspiracy to Commit Mail Fraud Conspiracy to Commit Money Laundering Conspiracy to Defraud United States Money Laundering Forfeiture	25 years' imprisonment 3 years' supervised release \$12,651,244 restitution \$310,722 in unpaid income taxes
 Promoter	<b>David Rex Albrecht</b> Age 53 Sand Lake, MI	1	Conspiracy to Commit Mail Fraud	5 years' imprisonment 3 years' supervised release \$2,496,211 restitution \$119,360 in unpaid income taxes
 Founder/Partner	<b>George Terrance Besser</b> Age 67 Detroit, MI	39 1 1 1 15 1	Mail Fraud Conspiracy to Commit Mail Fraud Conspiracy to Commit Money Laundering Conspiracy to Defraud United States Money Laundering Forfeiture	20 years' imprisonment 3 years' supervised release \$12,100,000 restitution \$317,605 in unpaid income taxes
 Office Manager & Promoter	<b>Diane Renae Boss</b> Age 47 Hudsonville, MI	1 1 1	Conspiracy to Commit Mail Fraud Conspiracy to Commit Money Laundering Conspiracy to Defraud the United States	10 years' and one month imprisonment 3 years' supervised release \$8,175,511 restitution \$250,967 in unpaid income taxes

Photograph	Participant	Counts	Charge	Sentence	
	<b>Wesley Myron Boss</b> Age 52 Hudsonville, MI	1 1 1	Conspiracy to Commit Mail Fraud Conspiracy to Commit Money Conspiracy to Defraud the United States	8 years' and one month imprisonment 3 years' supervised release \$58,175.511 restitution \$176,101 in unpaid income taxes	
Sales Manager		<b>Donald Maynard Buffin, Jr.</b> Age 46 Grandville, MI	39 1 1 1 18 1	Mail Fraud Conspiracy to Commit Mail Fraud Conspiracy to Commit Money Laundering Conspiracy to Defraud United States Money Laundering Forfeiture	15 years' imprisonment 3 years' supervised release \$8,175,511 restitution \$73,276 in unpaid income taxes
Sales Manager & Office Manager		<b>William Edward Flynn</b> Age 53 Crivitz, WI	39 1 1 1 21 1	Mail Fraud Conspiracy to Commit Mail Fraud Conspiracy to Commit Money Laundering Conspiracy to Defraud United States Money Laundering Forfeiture	9 years' imprisonment 5 years' supervised release \$11,700,000 restitution \$225,437 in unpaid income taxes
Promoter		<b>Jeffery Alan Visser</b> Age 41 Wyoming, MI	39 1 1 1 18 1	Mail Fraud Conspiracy to Commit Mail Fraud Conspiracy to Commit Money Laundering Conspiracy to Defraud United States Money Laundering Forfeiture	15 years' imprisonment 5 years' supervised release \$10,450,000 restitution \$79, 984 in unpaid income taxes
Sales Manager					

**ROMAN CATHOLIC BISHOPS**  
**Act 207 of 1867**

AN ACT to authorize the Roman Catholic archbishop of Detroit, Michigan, and the Roman Catholic bishops of Michigan, and their successors in office, and certain other persons, to hold property for the use or benefit of the church; to authorize the borrowing of money; to authorize the execution of contracts and agreements, and the administration of property held by them; and to authorize the exercise of any and all powers relating to the temporalities of the church.

**History:** 1867, Act 207, Eff. June 27, 1867; Am. 1937, Act 270, Imd. Eff. July 22, 1937; Am. 1954, Act 1, Imd. Eff. Feb. 4, 1954.

*The People of the State of Michigan enact:*

**458.1 Conveyances to Roman Catholic archbishop, bishops, and administrators in trust for religious, educational, or charitable purposes.**

Sec. 1. All gifts, grants, deeds, wills and other conveyances, wherein or whereby any lands, tenements or other property within this state have been given, bequeathed, devised or granted, or in any manner conveyed by any person or persons whatever, unto any person or persons, by the name, style or title of Roman Catholic or Catholic bishop of the diocese of Bardstown, Kentucky, and his successors, or to the Roman Catholic bishop or Catholic bishop of Cincinnati, Ohio, and his successors in office, or to the Roman Catholic or Catholic archbishop of Detroit, or to the Roman Catholic or Catholic bishop of Detroit, or administrator of Detroit, and his successors, or to the Roman Catholic or Catholic bishop of Sault Ste. Marie, or administrator of Sault Ste. Marie, and his successors, or to the Roman Catholic or Catholic bishop of Marquette, or administrator of Marquette, and his successors, or to the Roman Catholic bishop or Catholic bishop of the diocese of Grand Rapids, or administrator of Grand Rapids, and his successors in office, or to any person in his own name as Roman Catholic bishop of the diocese of Grand Rapids, his heirs and assigns, or to the Roman Catholic bishop or Catholic bishop of the diocese of Lansing, or administrator of Lansing, and his successors, or to the Roman Catholic bishop or Catholic bishop of the diocese of Saginaw, or administrator of Saginaw, and his successors, or to the Roman Catholic bishop or Catholic bishop of the diocese of Kalamazoo, or administrator of Kalamazoo, and his successors, or to the Roman Catholic bishop or Catholic bishop of the diocese of Gaylord, or administrator of Gaylord, and his successors, or to any other person or persons, upon the trust expressed or implied, to take, hold and receive the same for the use and benefit of any religious congregation of Roman Catholics, or for the support, aid and maintenance of any hospital, almshouse, school, seminary, church, parsonage, or for the burial grounds, or other religious, educational or charitable purposes, within this state; and all such gifts, grants, deeds, wills, devises and bequests and other conveyances which may hereafter be made, shall be sufficient and effectual in law to vest the legal title of, in and to said lands and tenements or other property, in such grantee, donee or devisee, in the present archbishop of the diocese of Detroit, or administrator, and in the present bishops or administrators of the Roman Catholic dioceses within the state of Michigan, in their respective dioceses, and in the persons who after them may become Roman Catholic archbishop of the diocese of Detroit, and Roman Catholic bishops of said dioceses, and in the successors of said Roman Catholic archbishop and Roman Catholic bishops forever, in trust, for the uses and purposes for which the said property is or may be hereafter acquired, granted, bequeathed, or devised, and in no other person or persons whatever: Provided, That it shall be necessary in relation to all gifts, grants, deeds, wills and other conveyances heretofore made as aforesaid, that the person or persons to whom the same were made, or to such persons as they may have conveyed to, if living, shall release their estate or interests therein to the said Roman Catholic archbishop of the diocese of Detroit, and to the said Roman Catholic bishops in the state of Michigan within their respective dioceses: And provided further, That nothing in this act shall be taken or construed to give or grant to the said Roman Catholic archbishop and Roman Catholic bishops, or administrators of the said dioceses of the state of Michigan, or their successors, the right to hold real estate in trust for any society except for charitable, religious, educational and literary purposes, or for burial grounds, as provided for by this act.

**History:** 1867, Act 207, Eff. June 27, 1867; CL 1871, 3124; How. 4727; CL 1897, 8310; CL 1915, 10909; Am. 1927, Act 149, Eff. Sept. 5, 1927; CL 1929, 10845; Am. 1937, Act 270, Imd. Eff. July 22, 1937; Am. 1938, Ex. Sess., Act 4, Imd. Eff. Sept. 8, 1938; CL 1948, 458.1; Am. 1954, Act 1, Imd. Eff. Feb. 4, 1954; Am. 1971, Act 136, Imd. Eff. Sept. 29, 1971.

**458.2 Roman Catholic archbishop, bishops or administrators; powers in administering property.**

Sec. 2. The archbishop of the Roman Catholic archdiocese of Detroit and the several bishops of the Roman Catholic dioceses within the state of Michigan and their successors in office, and administrators of the Roman

Catholic dioceses within the state of Michigan, for the purpose of administering the property held by them respectively under this act and in respect thereto, are declared to have and to have had power:

(a) To enter into any and all lawful contracts in respect of the property held by them;

(b) To sue and be sued, complain and defend, in any court, or to be a party to any proceedings before any board, tribunal, commission, or any other public body;

(c) For the purposes of the Roman Catholic church to acquire, purchase, hold, convey, lease, mortgage, and in every way deal in real and personal property of all kinds without limitation; the power to hold real and personal estate shall include the power to take the same by gift, devise or bequest, and upon trusts, either express or implied;

(d) For the purposes of the Roman Catholic church to borrow money and to give promissory notes therefor, and to secure the payment thereof by mortgage or other lien upon real or personal property; to issue, sell or pledge bonds, notes, bills of exchange, debentures and other obligations and evidences of church indebtedness; and to guarantee, purchase, hold, sell, assign or otherwise dispose of the stock, bonds, or securities of corporations;

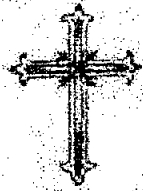
(e) To appoint agents and attorneys in fact;

(f) To exercise without limitation of the foregoing, any and all powers relating to the temporalities of the Roman Catholic church vested in such archbishop or bishop or administrator by virtue of his office.

**History:** Add. 1941, Act 105, Imd. Eff. May 20, 1941;<sup>1</sup> CL 1948, 458.2;<sup>2</sup> Am. 1954, Act 1, Imd. Eff. Feb. 4, 1954.



# Certificate of Baptism



Church of

*St. Francis Xavier*  
*Seward, Kansas 67576*

➤ This is to Certify ➤

That *George Terrence Besser*  
Child of *George Besser*  
and *Marie Chadd Purbeck*  
born in \_\_\_\_\_

on the *25<sup>th</sup>* day of *August* *1938*

was **Baptized**

on the *4<sup>th</sup>* day of *September* *1938*

According to the Rite of the Roman Catholic Church

by the Rev. *M. J. Cody*

the Sponsors being *Otto Purbeck*

*Jane Purbeck*

as appears from the Baptismal Register of this Church.

Dated *18 March 2005*

*F. J. Sweeney, P.S.*

Pastor

# Notations

FIRST COMMUNION

{ Date \_\_\_\_\_  
Church \_\_\_\_\_  
Place \_\_\_\_\_

CONFIRMATION

{ Date 2 May 1948  
Church St. Rose Church  
Place Great Bend, Kas

MARRIAGE(S)

{ To Ellen C. Goebels  
Date 23 June, 1962  
Church St. Linus Church  
Place Dearborn Michigan

DIACONATE

{ Date \_\_\_\_\_  
Church \_\_\_\_\_  
Place \_\_\_\_\_

RELIGIOUS  
PROFESSION

{ Date \_\_\_\_\_  
Church \_\_\_\_\_  
Place \_\_\_\_\_



**NOTICE OF SUSPENSION**

**SUISSE SECURITY BANK & TRUST LIMITED**

It is hereby notified that the Governor is of the opinion that the banking and trust licence granted on 10<sup>th</sup> July 1993 to Suisse Security Bank & Trust Limited should be revoked on the ground that the licensee is carrying on its business in a manner detrimental to the public interest and to the interests of its depositors and other creditors.

It is further notified that the Governor, pursuant to Section 14(7) and 14(8) of The Banks and Trust Companies Regulation Act, 2000, hereby suspends the said banking and trust licence of Suisse Security Bank & Trust Limited.

The Suspension Order results from the inability of the said bank, at this time, to formally fulfil certain prudential requirements and satisfy The Central Bank of The Bahamas as to its affairs.

Suisse Security Bank & Trust Limited is hereby invited to submit to the Governor of The Central Bank of The Bahamas on or before the 15<sup>th</sup> March A.D., 2001, a written statement of any objection it may have to the proposed revocation of its licence.

Given at Nassau this 5<sup>th</sup> day of March A.D., 2001.

A handwritten signature in black ink, appearing to be "R. J. ...", written over a horizontal line.

GOVERNOR

COMMONWEALTH OF THE BAHAMAS

## Suisse Security Bank & Trust fights for its license

(Continued from page 5)

with a local trade union to pay salaries for another six months, although a condition appears to be that no staff turn up for work while the receiver is in charge.

The failure of the bank's staff to go to work since the appointment of a receiver on March 5 has caused its operations to come to a standstill.

We have also been told that the Central Bank-appointed receiver, Raymond Winder, who works for Deloitte & Touche (Bahamas), has been unable to break the bank's codes to access records.

As part of what seems to be a carefully orchestrated local media campaign by SSBT, two letters of support that were sent by a Miami-based FBI agent to the Central Bank were leaked to newspapers.

Both letters, one dated February 11, 2000 and the other dated January 10, 2001, were signed by Gerard M. Forrester, who recently retired from the FBI, and have raised several eyebrows because of their content.

The first letter was written by Forrester shortly after OffshoreAlert published an article about SSBT's apparent lack of due diligence in taking over the accounts of the crooked Antigua-based Accord Insurance, which offered investors "guaranteed" returns of up to 20 per cent per month.

Not long after SSBT took over Accord's accounts from Antigua-based Eurofed Bank, which was closed by regulators, Accord collapsed with clients claiming to have been defrauded of millions of dollars.

"I was contacted by Mr. Mohamed Harajchi, the Chairman of the Board of Suisse Security Bank and Trust...concerning an article which appeared in a tabloid called 'Offshore Alert' which maligned his bank," wrote Forrester to the Central Bank on February 11, 2000.

"We are aware of this tabloid which is

like all newspapers, is in the business of making money and telling half truths. It is not sanctioned by any government or law enforcement agencies."

He added: "It is terrible when a bank follows the laws of their country, a tabloid in the business of making money, writes an article such as was written and the bank can not defend itself."

"For your information as of today I have search (sic) the files of the Miami Division of the Federal Bureau of Investigation (FBI) concerning Suisse Security Bank and Trust and Mohamed Harajchi with negative results."

The suspension of SSBT's license happened just three weeks before the start of an international finance conference in Canada organized by London-based Sharex at which SSBT was the lead sponsor.

Ironically, SSBT CEO Christopher Luma, who is a former regulator with the Central Bank, was due to have spoken on "The Future of Offshore Banking in the Bahamas in the Wake of OECD and G7 Fiscal and Financial Initiatives".

The suspension of SSBT's license was one of many similar actions that have been taking place throughout the offshore world as jurisdictions take a tougher regulatory line due to international pressure.

Apart from SSBT, the following bank and trust company licenses have been suspended in the Bahamas: Royal Trust Company (Bahamas) Ltd., now called Genra (International) Ltd.; Rimex Bank and Trust Corporation Ltd., Attel Bank (International) Ltd., Chimarra Investments Ltd., Mega Securities Bank and Trust, First Mercantile Bank Limited, Marica Bank Ltd., Winslow Bank and Trust Company Ltd., Hampton Bank International (Bahamas) Ltd., Summit Bank and Trust Company Ltd., Paribas Suisse

(Bahamas) Ltd., Federal Bank, and the British Bank of Latin America.

In Grenada, the following bank and trust licenses were revoked, with more likely to follow soon: Electra Finance Bank Ltd., Sarva Investment Bank Ltd., Network International Bank Ltd., Trafalgar Atlantic Bank Ltd., 21st Century Banking Corp Ltd., New London Investment Bank Ltd., Bank of Atlantic Ltd., Carib Bank International Ltd., Dominion Bank Corp., First Mercantile Bank Ltd., Pacific Crown Bank Ltd., Worldwide Bank Ltd., Southwind International Bank Ltd., Union Caribbean Bank Ltd., Commercial Bank & Trust International, Euro Credit Bank & Trust Ltd. and First International Bank of Grenada Ltd.

In the Cayman Islands, accounting firm Arthur Andersen was appointed controller of M. A. Bank on March 5. The bank is continuing to operate but certain restrictions had been placed on its activity, according to Michael Wright, Arthur Andersen's Managing Partner. Wright's report will make recommendations on the future of the bank.

**Footnote:** The closure of so many banks in the Bahamas should come as no surprise to readers of OffshoreAlert. In an article that was published on November 30, 2000, we reported: "Meanwhile, a regulator in the Bahamas, who did not want to be named, said that the number of licensed banks in the Bahamas is expected to fall from its current level of approximately 415 to below 300 over the next two years. Banks that are administered by management companies have been given 12-24 months to establish a bona fide physical presence in the Bahamas in order to retain their license, we were told. Many of these banks are expected to either close down or move to a less onerous jurisdiction rather than comply with the new requirement."

## Nevis regulator leaves after five months

Thomas Peacock, who was appointed Regulator for Financial Services in Nevis, effective October 1, 2000, has quit his position five months into a two-year contract, leaving on March 9, 2001.

We have been told by a source in Nevis that Peacock was concerned that he was not being consulted prior to the introduction of offshore legislation and that banks were being allowed to operate illegally.

"Apparently the three important pieces of legislation which were passed in December, 2000 were finalized without any input from Thomas Peacock," said a source on the island.

"Additionally, the Nevis Island Government are taking no steps to close down unlicensed offshore banking operations being carried on from Nevis."

Peacock is a Canadian lawyer who

was hired to "assist the Nevis Island Administration in improving the regulatory infrastructure in order to comply with international standards", according to a government press release issued last year.

His appointment was widely viewed as an attempt by Nevis to strengthen regulation in the face of international criticism that it exercised little effective control over its offshore sector.

UNITED STATES TAX COURT

JANET MAVIS MARCUSSE,

Petitioner,

v.

Docket No. 14234-09

COMMISSIONER OF INTERNAL REVENUE,

Respondent.

---

REQUEST FOR ADMISSIONS

Pursuant to the Court's Order of January 5, 2011, ¶ 11 and ¶ 13, and according to U.S. Tax Court Rule 90, Petitioner makes the following requests for admissions to Respondent.

In regards to ¶ 11, Respondent is requested to admit to the authenticity of FBI Agent Gerard Forrester's letters of endorsement regarding the compliance of Suisse Security Bank & Trust, Nassau, Bahamas, with money laundering laws in the United States. There are two letters, (1) dated February 11, 2000, a copy of which was filed in criminal case No. 1:04-cr-00165-RHB, as Document 392-2, p. 15, and attached hereto as Exhibit A; and (2) dated January 10, 2001, a copy of which was filed in criminal case No. 1:04-cr-165, as Document 422-3, pp. 23-24, and attached hereto as Exhibit B.

In regards to ¶ 13, Respondent is requested to admit that James Kramer-Wilt was an attorney employed by the Bureau of Public Debt, Dept. of Treasury, from December, 2000, through March, 2002, who was endorsed by the Dept. of Justice in a March, 2002, United States Attorneys' Bulletin, as an "expert" in prime bank (high yield) investment fraud, and touted as the federal government employee from whom background information could be obtained about possible prime bank scammers as he had compiled an extensive database on them.

EXHIBIT F

A copy of the March, 2002, United States Attorneys' bulletin, pp. 14 and 18, was filed in criminal case No. 1:04-cr-00165-RHB, as Document 392-2, pp. 11-12, and attached hereto as Exhibit C.

Respectfully submitted,

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

2/3/2011



Janet Marcusse, pro se  
#17128-045.  
FCI Tallahassee  
501 Capital Circle, NE  
Tallahassee, FL 32301

EXHIBIT F



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to  
File No. 163-160

16920 N.W. 2nd Avenue  
Miami, Florida 33169  
February 11, 2000

Governor Julian Francis  
Central Bank of the Bahamas  
P.O. Box N4565  
Nassau, Bahamas

Dear Governor Julian Francis:

I was contacted by Mr. Mohamed Marajchi, the Chairman of the Board of Suisse Security Bank and Trust, P.O. Box N4501, Nassau, Bahamas concerning an article which appeared in a tabloid called "Offshore Alert" which maligned his bank. We are aware of this tabloid which is like all newspapers, is in the business of making money and telling half truths. It is not sanctioned by any government or law enforcement agencies.

Since the existence of Suisse Security Bank and Trust, they have not been the subject any Federal Bureau of Investigation, investigations. They are one of the few banks in the Bahamas which express concerns and attempt to learn the proper procedures to curtail money laundering in their institution, in fact they are the only one that has expressed their concerns to the FBI.

It is terrible when a bank follows the laws of their country, a tabloid in the business of making money, writes an article such as was written and the bank can not defend itself.

For your information as of today I have search the files of the Miami Division of the Federal Bureau of Investigation (FBI) concerning Suisse Security Bank and Trust and Mohamed Marajchi with negative results.

If we can be of any further assistance to, please do not hesitate to contact our office.

Sincerely,

Gerard M. Forrester  
Supervisory Special Agent



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to  
NYMA 163-160

16320 N.W. 2nd Avenue  
Miami, Florida 33169  
January 19, 2001

Dear Governor Francis:

I just receive a letter from Christopher E. Lunn, Chief Executive Officer, Swiss Security Bank and Trust, Ltd. (SSBT) Nassau, Bahamas. Mr. Lunn related due to the heightened sensitivity in regards to financial transactions, in particular, source of funds and the criminal exploitation by money launderers of banks operating in international financial centers, he would like the FBI to provide written comments as this relates to SSBT.

In the past, the FBI wrote a letter to you expressing our thanks concerning SSBT as being one of the few banks in the Bahamas which express concerns and attempt to learn the proper procedures to curtail money laundering in their institution, in fact they are the only one that has expressed their concern to the FBI.

In a recent matter, the FBI had an investigation concerning Frederick C. Brand, doing business as Financial Federated Title and Trust, Inc. The case agent involved in this matter is SA Gary R. Van Berie. Van Berie advised because of the cooperation received by the Bahamian authorities and the banks in the Bahamas, particularly SSBT numerous individual were convicted and millions of dollars were raised, SA Van Berie advised you may contact him at any time concerning SSBT. SA Van Beries's telephone number is 361-622-6926.

Witness

EXHIBIT #4

4 of 5

EXHIBIT F



Since the existence of SSAT, they have not been the subject of any FBI investigations. SSAT continues to maintain close dialogue and cooperation when necessary.

Sincerely,



Gerard M. Forrester  
Supervisory Special Agent

cc to Hon William C. Allen M.P.  
cc to Mr. Iqbal Singh

UNITED STATES TAX COURT  
WASHINGTON, DC 20217

JANET MAVIS MARCUSSE,	)	
	)	
	)	
Petitioner,	)	
	)	
v.	)	Docket No. 14234-09.
	)	
COMMISSIONER OF INTERNAL REVENUE,	)	
	)	
Respondent	)	

O R D E R

Still pending before this Court is petitioner Janet Mavis Marcusse's motion to compel filed August 9, 2010, to the extent it was not denied by the Court's Order of January 5, 2011. Respondent filed an objection to the motion to compel on September 7, 2010. Petitioner made subsequent filings addressing the discovery matters, and the Court held a telephone conference with the parties on January 5, 2011.

In its Order of January 5, 2011, the Court: (a) described respondent's agreement to provide certain additional documents, (b) directed Ms. Marcusse to file requests for admission by February 4, 2011, and (c) directed her to file a status report by May 20, 2011, reporting whether there are any discovery matters still outstanding after respondent's responses to the requests for admission and its agreed provision of additional documents. Ms. Marcusse filed and served requests for admissions, as ordered. Respondent filed no responses, so those matters are deemed admitted pursuant to Rule 90(c). On May 23, 2011, Ms. Marcusse filed a status report in which she asserts that respondent has still not provided certain documents to which she is entitled. It is therefore

ORDERED that, no later than July 18, 2011, respondent shall file a supplemental response to petitioner's motion to compel, responding to petitioner's assertions (in her status report filed May 23, 2011) as to outstanding discovery requests.

**(Signed) David Gustafson**  
**Judge**

Dated: Washington, D.C.  
June 17, 2011

**SERVED Jun 17 2011**

EXHIBIT G

1 JOSÉ de JESUS RIVERA  
United States Attorney  
District of Arizona

2 Reid C. Pixler  
3 Assistant U.S. Attorney  
4 4000 U.S. Courthouse  
230 North First Avenue  
Phoenix, Arizona 85025  
5 Arizona State Bar No. 12850  
Telephone (602) 514-7500

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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY: _____ & DEPUTY	

6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF ARIZONA

8 I. UNITED STATES OF AMERICA,  
9 Plaintiff,

10 v.

11 1. \$5,000,000 IN THE FORM OF THE  
12 PROCEEDS OF AN INTERNATIONAL  
13 BANKERS DRAFT DRAWN TO THE  
14 ORDER OF WORLD TRADE AND  
15 FINANCE, PRESENTED TO THE  
16 ROYAL BANK OF SCOTLAND, ISLE OF  
MAN AND HELD IN THE  
CORRESPONDENT ACCOUNT  
NUMBER 2000090732810 AT FIRST  
UNION BANK, PHILADELPHIA,  
PENNSYLVANIA;

17 2. \$3,000,000 IN THE FORM OF THE  
18 PROCEEDS OF AN INTERNATIONAL  
19 BANKERS DRAFT DRAWN TO THE  
20 ORDER OF CAPITAL TRADING, LLC.,  
21 PRESENTED TO THE ROYAL BANK OF  
SCOTLAND, ISLE OF MAN AND HELD  
IN THE CORRESPONDENT ACCOUNT  
NUMBER 2000090732810 AT FIRST  
UNION BANK, PHILADELPHIA,  
PENNSYLVANIA;

22 3. \$642,113.81 IN THE JEFFREY A.  
23 MATZ ATTORNEY AT LAW CLIENT  
24 TRUST ACCOUNT NUMBER 3200930  
AT THE NATIONAL BANK OF  
CALIFORNIA;

25 4. \$36,174.37 IN THE JEFFREY A. MATZ  
26 ATTORNEY AT LAW GENERAL  
27 ACCOUNT NUMBER 3200922 AT THE  
28 NATIONAL BANK OF CALIFORNIA;

CIV '00 0291 PHX LOA

NO. CIV 99- \_\_\_\_\_ -PHX- \_\_\_\_\_

VERIFIED COMPLAINT FOR  
FORFEITURE IN REM

1

EXHIBIT H

1 5. \$26,716.91 IN THE JEFFREY A.  
2 MATZ, AS TRUSTEE FOR WILLIAM  
3 GIBNEY ACCOUNT NUMBER 3600181  
4 AT THE NATIONAL BANK OF  
5 CALIFORNIA;

6 6. \$2,807.15 IN THE JEFFREY MATZ  
7 ATTORNEY CLIENT TRUST ACCOUNT  
8 3600173 FOR THE BENEFIT OF  
9 MOUNTAIN PEAK, LLC. % MYRON  
10 WICK AT THE NATIONAL BANK OF  
11 CALIFORNIA;

12 7. \$74,540.51 IN THE JEFFREY MATZ  
13 AS TRUSTEE FOR LESTER E. SHOALTS  
14 ACCOUNT 3600203 AT THE NATIONAL  
15 BANK OF CALIFORNIA;

16 Defendants,

17 AND REGARDING THE INTEREST OF  
18 JEFFREY MATZ, doing business as  
19 UNITED STATES HOLDINGS or US  
20 HOLDINGS; DEREK FOWLER,  
21 individually and on behalf of WORLD  
22 TRADE AND FINANCE, CAPITAL  
23 TRADING PLC, CAPITAL TRADING  
24 LIMITED and ISLE OF MAN PROGRAM;  
25 and DUANE HENNEMAN, a.k.a. DR.  
26 ROBERT BRUCE, individually and on  
27 behalf of CAPITAL TRADING and/or  
28 CAPITAL FUNDING and/or ISLE OF  
29 MAN PROGRAM;

30 Potential Claimants.

### 31 ACTIONS, VENUE AND JURISDICTION

32 NOW COMES plaintiff, the United States of America, by and through its attorneys, JOSÉ  
33 de JESUS RIVERA, United States Attorney for the District of Arizona, and REID C. PIXLER,  
34 Assistant United States Attorney, and respectfully states as follows:

35 1. This civil action in rem is brought to enforce the provisions of 18 U.S.C.  
36 § 981(a)(1)(A) for the forfeiture of the above described defendant personal property, which is  
37 property within the jurisdiction of the United States involved in a transaction or attempted  
38 transaction in violation of 18 U.S.C. § 1956(a)(1)(B)(i); (a)(2)(B)(i); and (h) and § 1957(a).

1           2.           The defendant assets are property involved in a monetary transaction in  
2 criminally derived property that is of a value greater than \$10,000 and is derived from specified  
3 unlawful activity, as defined in 18 U.S.C. § 1957(f).

4           3.           The term "Specified Unlawful Activity" is defined in 18 U.S.C. § 1956(c)(7)  
5 and 18 U.S.C. § 1961(1) and includes 18 U.S.C. §1343: to wit, Wire Fraud, and 18 U.S.C. §2314:  
6 to wit, Fraudulent Schemes and Artifices .

7           4.           Venue and Jurisdiction for the Seizure of assets in Arizona is based upon  
8 18 U.S.C. §981(h), 28 U.S.C. §1355(b) and §1395 based upon acts and omissions occurring in  
9 the District of Arizona giving rise to this forfeiture action. This Court has jurisdiction over this  
10 matter by virtue of 28 U.S.C. §§ 1345 and 1355.

#### 11                           BACKGROUND AND FRAUDULENT REPRESENTATIONS

12           5.           This civil forfeiture action is involved in the observation and investigation  
13 of activities generally described as "Prime Bank Instrument Trading Programs." The purpose of  
14 the action is to forfeit the interest, if any, held by any person, party or entity that participated in  
15 the aggregation, promotion and operation of this fraud scheme, and the subsequent laundering  
16 of the proceeds. This litigation also attempts to confirm the identity and dollar amount of loss  
17 of all victims of this fraud scheme and obtain the return of the funds to the appropriate parties.  
18

19           6.           The trading programs advertise a number of features which are very  
20 attractive to wealthy investors, including substantial guaranteed monthly returns based upon  
21 absolutely guaranteed secure investments. In one form or another the funds are placed at the  
22 disposal of a trader to evidence value. It is alleged the funds will not be moved or expended  
23 without the specific approval of the investor. That allegation is false and funds are moved,  
24 depleted, stolen, and lost.

25           7.           These programs appear to pay substantial returns to the investors. However,  
26 any "profits" allegedly earned are merely the redistribution of funds obtained from subsequent  
27 victims. In the United States such a fraudulent scheme is referred to as a "Ponzi Scheme."  
28

1 Little, if any, income is ever earned from a legitimate investment. The funds are dissipated or  
2 lost.

3 8. Generally, Prime Bank Instrument Trading Programs or High Risk Trading  
4 Programs can be identified by some, if not all, of the following factors:

5 A. A sales representative will offer an opportunity to participate in a  
6 "Program" in which an investor must be found to qualify on the basis of dollar  
7 contribution, degree of investor sophistication, background check to insure the  
8 funds are "clean, clear and of non criminal origin," and/or the execution of  
9 contracts which are carefully designed to recite false facts, such as that there has  
10 been no solicitation, that the contract does not involve the sale of securities or that  
11 the investment is structured in the form of a loan and the invested funds will  
12 always be in secured financial accounts and will never be in jeopardy. The  
13 "broker" or "agent," no matter the title in the "contract," receives a commission for  
14 the sale, investment or loan provided from the investor to the "Program."

15 B. The "invested funds" are secured by a bond, the purchase of U.S. Treasury  
16 Obligations or other equally secure collateral, a safe keeping receipt, or the funds  
17 will be maintained in financial accounts and never leave the control of the program  
18 operator or manager.

19 C. The funds will be used as short term collateral in an investment program for a  
20 fixed period of time, such as one year. During that time the principal is generally  
21 unavailable.

22 D. The funds will be used as collateral to fund "trades" in a secret or little known  
23 market, usually in Europe, where "Prime Bank Instruments" are traded.

24 E. For obtuse reasons, the "broker" or "agent" often claims this market is  
25 controlled by a very small number of "traders" who have consistently made huge  
26 profits by trading financial instruments, the value of which are unknown to the  
27 largest financial institutions in the world, which must use this market to obtain

28

1 associates, and governments for tax reasons; and elements of criminal enterprise  
2 seeking either to create an appearance of wealth from a legitimate source or  
3 victimize financial institutions with worthless financial instruments.

4 K. Eventually, the common element of all prime bank instrument fraud  
5 "programs" is the managers or traders profit and the capital provided by the  
6 investors is lost.

7 9. MATZ and HENNEMAN were actively engaged in aggregating funds from  
8 potential investors to acquire the minimum dollar amount required for participation in the above  
9 described trading programs. Regardless of any representations to the contrary, at no time was  
10 either MATZ or HENNEMAN involved with or directly connected to a trader who actually made  
11 such trades. No such trading program exists. However, each was actively involved in attempting  
12 to make such a connection for the purpose of participation in a trading program.

13 10. The participants and co-conspirators in this fraudulent enterprise referred  
14 to as the Isle of Man Program include but are not limited to: GRAHAM CARR, DEREK  
15 FOWLER, SHINDER SINGH GANGAR, WILLIAM GIBNEY, DUANE HENNEMAN,  
16 ROBERT HUNT, JEFFREY A. MATZ, HAROLD MILLER, ADRIAN SCHEPS, RON SCHOR,  
17 LESLIE WINGHAM, AND OTHERS.

18 11. Prior to October 31, 1998, Jeffrey A. MATZ (MATZ) participated in one  
19 program known as the "Hammersmith Trust Trading Program" or "Hammersmith Trust, LLC."

20 12. The alleged trader of this program was B. David Gilliland, who also listed  
21 himself as Funds Manager, Hammersmith Trust, LLC. MATZ did not deal with Gilliland directly  
22 but through Douglas Shortt, doing business as Blue Island Holdings Ltd.

23 13. The assets of Hammersmith Trust, LLC have been ordered by a United  
24 States Federal District Court Judge to be surrendered to a Receivership, pursuant to a request by  
25 the United States Security Exchange Commission (SEC). Despite repeated promises and  
26 representations by Gilliland, his agents and attorneys, the funds in the ordered amount have  
27

1           129.           On February 3, 1999, MATZ received a communication from Dr. Robert E.  
2 Bruce, dated February 3, 1999, thanking him for his confidence in the Isle of Man Program and  
3 acknowledging the wire transfer of \$4,751,0000. The funds referenced had been wired to the  
4 account provided to MATZ by DEREK FOWLER.

5           130.           MATZ received a second confirmation from Dr. Bruce on Capital Trading  
6 Ltd. stationery dated February 5, 1999, confirming that there had been two wire transfers to the  
7 account provided by both Dr. Bruce and DEREK FOWLER.

8           131.           On March 18, 1999, MATZ received a communication from Dr. Robert E.  
9 Bruce on Capital Fund Ltd. stationery and captioned "Isle of Man Programme Update." This  
10 letter was presented to explain the delay in distributing funds earned by trades which had been  
11 supported by investor funds. Thereafter, numerous excuses were provided regarding problems  
12 encountered in the distribution of the "profits" from the trading program.

13           132.           Duane HENNEMAN, one of the men responsible for the aggregation of the  
14 funds at the account at Midland Bank, has admitted to investigators that there was no "trader"  
15 associated with the Isle of Man Program, no trading had ever been undertaken, and that no profits  
16 were ever earned.

17           133.           HENNEMAN also indicated that the Isle of Man Program was operated by  
18 LESLIE WINGHAM and DEREK FOWLER and that the role of HENNEMAN was only that  
19 of a "front" for the actions of the others. HENNEMAN also indicated that both WINGHAM and  
20 SCHOR were aware from the beginning that there was no Dr. Robert E. Bruce and that  
21 HENNEMAN was signing this name on the contractual documents for the Isle of Man.

22           134.           This tactic of "unexplained and unexpected problems," is a common factor  
23 in such fraudulent schemes.

24           135.           Two weeks later, MATZ received an additional communication, dated April  
25 1, 1999, from HENNEMAN, executed in the name of Dr. Bruce, indicating further problems and  
26 delays regarding distribution of profits. However, again the representation was made that funds  
27



1 associate/co-conspirator Robert HUNT. The following is a representative sample of such  
2 communications.

3 240. The investigation has disclosed that George T. Besser had been solicited to  
4 participate in the "Isle of Man Program" by Steven Ward on behalf of Duane HENNEMAN in  
5 the false name of Dr. Robert E. Bruce on or about April 12, 1999. Besser executed his portion  
6 of the document, referred to as a confidential agreement, on April 13, 1999, as a Director of  
7 Valley Boyz Investment Club, LLC, 1215 North Hickory Farm Lane, Appleton, Wisconsin  
8 54914.

9 241. Copies of the wiring instructions generated by Besser demonstrate that on  
10 or about April 14, 1999, Besser caused to be transferred by wire the sum of \$1,000,000 to  
11 account number 39154038 at the Midland Bank PLC, Market Place W063AA, Easingwold North  
12 Yorkshire, England.

13 242. Midland Bank created a document dated April 16, 1999, in which the bank  
14 acknowledged that account number 39154038 had received \$1,000,000 from Valley Boyz  
15 Investments.

16 243. Derek FOWLER had removed \$8,000,000 from account number 39154038  
17 between March 22 and March 26, 1999, which was subsequently seized as part of this civil  
18 forfeiture action. Because the funds of Mr. Besser, dba Valley Boyz Club, were wired into the  
19 account after March 22, 1999, the funds of Mr. Besser cannot be included in the sum seized from  
20 the Royal Bank of Scotland.

21 244. On or about November 3, 1999, Mr. Besser received correspondence from  
22 Robert HUNT soliciting an affidavit in support of Derek FOWLER. The correspondence not  
23 only contains materially false representations, but also solicits Mr. Besser on behalf of FOWLER  
24 to allow, "... Mr. FOWLER to continue to administer and re-invest them if appropriate  
25 opportunities occur."

26 245. The final paragraph of the letter is either false or it is an admission that  
27 FOWLER has converted at least a portion of the \$1,000,000 wired by Mr. Besser to his own use.

28

1           256.           On or about March 30, 1999, Weiss caused to be transferred by wire the  
2 additional sum of \$52,000 to the same account. Because that sum arrived after the March 22,  
3 1999, withdrawal by FOWLER, the sum cannot be a portion of the \$8,000,000 in funds seized  
4 from the Royal Bank of Scotland on the Isle of Man and identified in this action. The sum  
5 represents a portion of the money which remained in the exclusive control of FOWLER at the  
6 Midland Bank and for which FOWLER has refused to account.

7           257.           However, Mr. Weiss' funds were in the Midland Account between March  
8 22, 1999, when FOWLER withdrew the \$8,000,000 in the form of drafts and April 19, 1999,  
9 when FOWLER directed a wire transfer of \$500,000 from the Midland account to an account of  
10 MATZ at the National Bank of California. It is possible that a portion of the funds of Mr. Weiss  
11 are contained in that account, which was seized by the United States on or about May 15, 1999,  
12 and which contained approximately \$642,113.81.

13           258.           It is also possible that a portion of the funds of Mr. Weiss remained in the  
14 Midland Bank account at the time FOWLER wrongfully distributed funds to Adrian SCHEPS.  
15 To that extent Mr. Weiss may have a claim to a portion of the approximate sum of \$736,000 of  
16 funds alleged by MATZ to represent funds provided by SCHEPS and subsequently transferred  
17 to the Midland Bank account by MATZ.

18           259.           Weiss received a correspondence from Leslie WINGHAM, dated May 1,  
19 1999, which complained that World Trade and Finance Limited and Duane HENNEMAN created  
20 problems regarding control of \$18,000,000 held in the World Trade and Finance Limited  
21 accounts. WINGHAM claimed that he had obtained "approval" to move \$10,000,000 of these  
22 funds to a new program called "Accord Trading Limited" based in Antigua. By this  
23 correspondence, WINGHAM solicited Weiss and others to join the new trading program and  
24 transfer funds from the control of World Trade and Finance. These programs do not exist.

25           260.           In this correspondence WINGHAM announced the new Board of Directors  
26 including: WINGHAM, Lewis, SCHOR, Hoffman, Lange and MATZ.

27

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1           315.           Besser received the communication of May 6, 1999, called the "ISLE OF  
2 MAN PROGRAM UPDATE," described herein. None of the documents previously received by  
3 Besser indicated anything about the "Dr. Robert E. Bruce Trust."

4           316.           Pursuant to the directions received by Besser, he transferred by wire the sum  
5 of \$1,000,000 to account number 39154038 at Midland Bank on or about April 14, 1999.

6           317.           Despite the fact that these funds were not seized by the United States in this  
7 action and despite representations to the contrary, Derek FOWLER has retained, concealed and  
8 otherwise disposed of these funds and not returned the funds to the proper party, i.e George T.  
9 Besser, d.b.a. Valley Boyz Investment Club.

10          318.           However, Mr. Besser's funds were in the Midland Account between March  
11 22, 1999, when FOWLER withdrew the \$8,000,000 in the form of drafts and April 19, 1999,  
12 when FOWLER directed a wire transfer of \$500,000 from the Midland account to an account of  
13 MATZ at the National Bank of California. It is possible that a portion of Mr. Besser's funds are  
14 contained in that account, which was seized by the United States on or about May 15, 1999, and  
15 which contained approximately \$642,113.81.

16          319.           It is also possible that a portion of Mr. Besser's funds remained in the  
17 Midland Bank account at the time FOWLER wrongfully distributed funds to Adrian SCHEPS.  
18 To that extent Mr. Besser may have a claim to a portion of the approximate sum of \$736,000 of  
19 funds alleged by MATZ to represent funds provided by SCHEPS and subsequently transferred  
20 to the Midland Bank account by MATZ.

21   DAVID M. GARRICK

22          320.           Mr. Garrick received a contract, referred to as a confidential agreement,  
23 executed by Dr. Robert E. Bruce, on or about March 4, 1999. The contract was actually signed  
24 by Duane HENNEMAN.

25          321.           Garrick was solicited to participate in the program by L.K. Carden, d.b.a.  
26 Tegger International, Ltd. (813) 936-0911, and signed the agreement on or about March 8, 1999.

1 neither SCHEPS nor FOWLER have reported this evidence to the proper authorities. In fact,  
2 copies of this alleged program contract have been attached as an Exhibit to an affidavit in the Isle  
3 of Man litigation. However, all the details of the identity of the party who allegedly signed this  
4 contract have been obliterated in an effort to protect the identity of the party and prevent further  
5 investigation.

6 394. It is apparent that SCHEPS, FOWLER MATZ and WINGHAM continue to  
7 engage in and protect this fraudulent activity, despite actual knowledge that such trading  
8 programs exist only in the imagination of the fraud artists who manufacture them and in the  
9 dreams of those targeted for participation. The only question ever asked is whether the program  
10 works, i.e. makes money. They "work" by generating a cash flow for the fraud artist, but not by  
11 trading bank instruments.

12 395. HUNT acknowledged that he received, on or about April 19, 1999, a \$100,000  
13 wire transfer from FOWLER, with the approval of HENNEMAN. HUNT received \$50,000 for  
14 his "fee" for introducing the two men. HUNT admitted that he had not done anything other than  
15 introduce HENNEMAN to FOWLER to earn the fee. HUNT claimed that the fee was paid by  
16 FOWLER and could have represented compensation for looking for good investments for  
17 FOWLER, despite the fact that HUNT had never made any referral to FOWLER. HUNT  
18 indicated that the wire came from a WTF account. HUNT had no actual knowledge that the  
19 funds represented investor/victim funds.

20 396. HUNT admitted that he was to transfer \$50,000 of the \$100,000 to HENNEMAN.  
21 However, HUNT became aware of the fact that HENNEMAN had been signing the Isle of Man  
22 Program contracts in the name of Dr. Robert E. Bruce and feared that the program might be a  
23 fraud. HUNT declined to send HENNEMAN the full \$50,000.

24 397. HUNT transferred approximately \$35,000 to HENNEMAN, put approximately  
25 \$15,000 into an "investment" for "safe keeping", and applied the \$50,000 to reduce his debts.  
26 HUNT agrees that he must repay the victims, but it will take time.

27  
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1	Jose R. Majais			\$989,079.50
2	Charles M. Torres			\$741,809.63
3	Besser, dba Valley Boyz			\$669,114.16
4	William J. Miller			\$0.00
5	Dr. Dewey Hood			\$190,557.93
6	Marina Towers			\$22,371.73
7	T. Darrell Welton			\$33,644.77
8	Shoemaker			\$33,644.77
9	Unknown Investor #3			\$68,894.49
10	Unknown Deposit			\$17,224.43
11	Upside Down Group			\$43,221.43
12	Lines Overseas Mgmt.			\$57,628.60
13	Candace Resnick			\$12,966.43
14	Unknown			\$25,113.82
15	Ekpoudia <sup>22</sup>			\$2,000,281.64
16	Interest Only Claimed by U.S.			\$29,524.06
17	<b>TOTAL FUNDS SEIZED BY U.S.</b>			<b>\$10,965,465.39</b>

17 408. Based upon the investigation of Jeffery A. MATZ and United States Holdings;  
18 Duane HENNEMAN, doing business as Dr. Robert E. Bruce, Dr. Robert E. Bruce Trust, Capital  
19 Funding, Ltd, Capital Trading, Ltd, Capital Trading Plc, and the Isle of Man Program; Derek  
20 FOWLER, doing business as World Trade and Finance, Capital Trading, Ltd, Capital Trading  
21 Plc, and the Isle of Man Program, and others identified herein, from on or about 01/01/1996 to  
22 the present, in the County of Maricopa, State of Arizona, probable cause exists to believe the  
23 crimes of A.R.S. §§13-2310, Fraudulent Schemes and Artifices; 13-2312, Illegal Control of an  
24 Enterprise; 13-1802(A)(2) & (3), Theft; 13-2317, Money Laundering; 44-1522, Consumer Fraud;  
25 A.R.S. § 44-1841, Sale of Unregistered Securities; 44-1842, Transactions by Unregistered

26 \_\_\_\_\_  
27 <sup>22</sup> These funds were deposited into an account requiring two signatures to be moved. The funds  
28 were never co-mingled with any other funds and remained in the account. The funds, including  
accumulated interest, have been returned by stipulation in the administrative portion of this action.

1 Dealers and Salesmen; and 44-1991, Fraud in Purchase or Sale of Securities, of the Arizona  
2 Securities Act have been and are being committed by Jeffrey A. MATZ and others through the  
3 corporate entity United States Holdings, Limited Liability Company, a Delaware company,  
4 ("USH"), and that the money contained in the accounts in National Bank of California, Sherman  
5 Oaks, California, and the funds seized from the correspondent bank account for the Royal Bank  
6 of Scotland, International, Isle of Man, are proceeds from a fraudulent investment program, and  
7 are being used in the perpetration and furtherance of an illegal enterprise devised and conceived  
8 with the purpose of defrauding members of the public.

9 409. In addition, the facts set out herein establish probable cause to believe that these  
10 funds are proceeds of wire fraud in violation of 18 U.S.C. §1343, which have been involved in  
11 a series of financial transactions in violation of 18 U.S.C. §1956 and §1957, Money Laundering,  
12 and conspiracy to commit Money Laundering, 18 U.S.C. §1956(h). Probable cause to believe  
13 that the funds contained in every account in which Jeffrey A. MATZ has an interest or is a  
14 signatory to at National Bank of California, specifically including all United States Holdings,  
15 Limited Liability Company accounts, and all accounts listed as client trust accounts of MATZ,  
16 are subject to seizure and forfeiture pursuant to 18 U.S.C. §981(a)(1)(A).

17 410. In addition, the facts set out herein establish probable cause to believe that the  
18 funds, in the approximate amount of \$8,000,000, in the form of two International Bankers Drafts  
19 drawn on Midland Bank Plc, London, the first No. 793682 in the amount of \$5,000,000 and the  
20 second in the amount of \$3,000,000, and seized from the correspondent account of Royal Bank  
21 of Scotland, International in the CoreStates Bank in Philadelphia, PA., are proceeds of wire fraud  
22 in violation of 18 U.S.C. §1343, which have been involved in a series of financial transactions  
23 in violation of 18 U.S.C. §1956 and §1957, Money Laundering and conspiracy to commit Money  
24 Laundering, 18 U.S.C. 1956(h). Probable cause exists to believe that these funds are subject to  
25 seizure and forfeiture pursuant to 18 U.S.C. §981(a)(1)(A).

26 411. Absolutely none of the funds provided by any of the investor/victims to  
27 GRAHAM CARR, DEREK FOWLER, SHINDER SINGH GANGAR, WILLIAM GIBNEY,  
28

1 DUANE HENNEMAN, ROBERT HUNT, JEFFREY A. MATZ, HAROLD MILLER, ADRIAN  
2 SCHEPS, RON SCHOR, LESLIE WINGHAM, AND OTHERS, was ever invested in any form  
3 of special trading program, because no program ever existed. Control over these funds was  
4 obtained by fraud and with the use of wire transfers in violation of 18 U.S.C. § 1343 (Wire  
5 Fraud).

6 412. The funds received by GRAHAM CARR, DEREK FOWLER, SHINDER SINGH  
7 GANGAR, WILLIAM GIBNEY, DUANE HENNEMAN, ROBERT HUNT, JEFFREY A.  
8 MATZ, HAROLD MILLER, ADRIAN SCHEPS, RON SCHOR, LESLIE WINGHAM, AND  
9 OTHERS, were either converted to their own use or the use of fellow conspirators in Arizona,  
10 California, New Mexico, the United Kingdom and elsewhere. The financial transactions were  
11 conducted in such a manner to conceal and disguise the nature, the location, the source, the  
12 ownership, and the control of the proceeds of the specified unlawful activity in violation of 18  
13 U.S.C. § 1956(a)(1)(B)(ii), (a)(2)(B)(ii) and (h).

14 413. In addition, the conspirators knowingly engaged in monetary transactions in  
15 criminally derived property that was of a value greater than \$10,000, in violation of 18 U.S.C.  
16 § 1957 and 18 U.S.C. § 1956(h).

17 414. Therefore the interests of the conspirators in the following described property,  
18 which was involved by the conspirators in financial and monetary transactions which the  
19 conspirators knew represented the proceeds of their fraud upon the investor/victims, is subject  
20 to forfeiture pursuant to 18 U.S.C. § 981 (a)(1)(A).

21 415. Plaintiff asserts that no interest of an innocent victim, without knowledge of the  
22 fraud, referred to herein as the "High Yield Investment Program," or generically referred to as  
23 Prime Bank instrument fraud, is subject to forfeiture, provided only that the victim did not  
24 aggregate funds from others for a fee or commission; there is a legitimate, i.e. non criminal,  
25 source for the funds; and the person identified as a victim has not assigned the victim's interest  
26 in the above described funds to another, specifically including any of the co-conspirators named  
27 herein.



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FIRST CLAIM

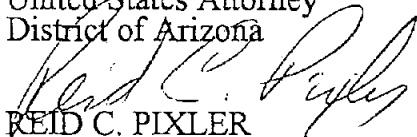
416. Based on the aforementioned facts and circumstances, the above described defendants are personal property within the jurisdiction of the United States constituting, derived from or traceable to proceeds of Wire Fraud in violation of 18 U.S.C. § 1343, and is property involved in financial transactions and attempted transactions in violation of 18 U.S.C. § 1956 and §1957, and is property traceable to such property. The defendant personal property is therefore subject to forfeiture pursuant to 18 U.S.C. §981(a)(1)(A).

SECOND CLAIM

417. Based on the aforementioned facts and circumstances, the above described defendants are personal property within the jurisdiction of the United States constituting, derived from or traceable to proceeds of, and Fraudulent Schemes and Artifices in violation of 18 U.S.C. § 2314, and property involved in financial transactions and attempted transactions in violation of 18 U.S.C. § 1956 and § 1957 and is property traceable to such property. The defendant personal property is therefore subject to forfeiture pursuant to 18 U.S.C. §981(a)(1)(A).

WHEREFORE, the United States of America prays that process of a warrant be issued for the arrest of the defendants number 1 through and including number 7, with all appurtenances and attachments thereon; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the property to be forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other relief as this Court deems just and proper, together with the costs and disbursements of this action.

Respectfully submitted this 15 day of February, 2000.

JOSE de JESUS RIVERA  
United States Attorney  
District of Arizona  
  
REID C. PIXLER  
Assistant United States Attorney



TC

1 JOSÉ de JESUS RIVERA  
United States Attorney  
District of Arizona

2 Reid C. Pixler  
3 Assistant U.S. Attorney  
4000 U.S. Courthouse  
4 230 North First Avenue  
Phoenix, Arizona 85025  
5 Arizona State Bar No. 12850  
Telephone (602) 514-7500

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FEDERAL DISTRICT COURT DISTRICT OF ARIZONA	
DEPUTY	

6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF ARIZONA

8 United States of America,  
9 Plaintiff,

10 v.

NO. CIV-99-0291-PHX-LOA

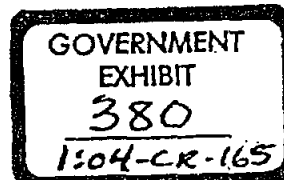
SETTLEMENT STIPULATION

11 1. \$5,000,000 IN THE FORM OF THE  
12 PROCEEDS OF AN INTERNATIONAL  
13 BANKERS DRAFT DRAWN TO THE  
14 ORDER OF WORLD TRADE AND  
15 FINANCE, PRESENTED TO THE  
16 ROYAL BANK OF SCOTLAND, ISLE OF  
MAN AND HELD IN THE  
CORRESPONDENT ACCOUNT  
NUMBER 2000090732810 AT FIRST  
UNION BANK, PHILADELPHIA,  
PENNSYLVANIA;

17 2. \$3,000,000 IN THE FORM OF THE  
18 PROCEEDS OF AN INTERNATIONAL  
19 BANKERS DRAFT DRAWN TO THE  
20 ORDER OF CAPITAL TRADING, LLC.,  
21 PRESENTED TO THE ROYAL BANK OF  
22 SCOTLAND, ISLE OF MAN AND HELD  
IN THE CORRESPONDENT ACCOUNT  
NUMBER 2000090732810 AT FIRST  
UNION BANK, PHILADELPHIA,  
PENNSYLVANIA;

23 3. \$642,113.81 IN THE JEFFREY A.  
24 MATZ ATTORNEY AT LAW CLIENT  
25 TRUST ACCOUNT NUMBER 3200930  
AT THE NATIONAL BANK OF  
CALIFORNIA;

26 4. \$36,174.37 IN THE JEFFREY A. MATZ  
27 ATTORNEY AT LAW GENERAL  
28 ACCOUNT NUMBER 3200922 AT THE  
NATIONAL BANK OF CALIFORNIA;



601

EXHIBIT I

1  
2 5. \$26,716.91 IN THE JEFFREY A.  
3 MATZ, AS TRUSTEE FOR WILLIAM  
4 GIBNEY ACCOUNT NUMBER 3600181  
AT THE NATIONAL BANK OF  
CALIFORNIA;

5 6. \$2,807.15 IN THE JEFFREY MATZ  
6 ATTORNEY CLIENT TRUST ACCOUNT  
7 3600173 FOR THE BENEFIT OF  
8 MOUNTAIN PEAK, LLC. % MYRON  
WICK AT THE NATIONAL BANK OF  
CALIFORNIA;

9 7. \$74,540.51 IN THE JEFFREY MATZ  
10 AS TRUSTEE FOR LESTER E. SHOALTS  
ACCOUNT 3600203 AT THE NATIONAL  
BANK OF CALIFORNIA;

11 Defendants,

12 AND THE INTEREST OF  
13 GEORGE T. BESSER, d.b.a.  
14 VALLEY BOYZ,

15 Claimant.

16  
17 STIPULATION

18 Plaintiff, United States of America, by and through its attorney, JOSÉ de JESUS RIVE  
19 United States Attorney for the District of Arizona, and his Assistant, Reid C. Pixler, Assis  
20 United States Attorney, and GEORGE T. BESSER, by and through counsel THOMAS  
21 CONNELLY, hereafter referred to as Claimant<sup>1</sup>, respectfully states as follows:

20 3. Generally, Prime Bank Instrument Fraud or High Yield Investment Fraud is identified by  
21 some, if not all, of the following factors:

22 a. A solicitor will offer an opportunity to participate in a "Program" in which an investor  
23 must be found to qualify on the basis of dollar contribution, degree of investor  
24 sophistication, background check to insure the funds are "clean, clear and of non criminal  
25 origin and/or the execution of contracts which are carefully designed to recite false facts,  
26 such as that there has been no solicitation, that the contract does not involve the sale of  
27 securities or that the investment is structured in the form of a loan and the invested funds

1 will always be in secured financial accounts and will never be in jeopardy. The solicitor,  
2 no matter the title in the "contract," receives a commission for the sale, investment or  
3 loan provided from the investor to the "Program."

4 b. The "invested funds" are secured by a bond, the purchase of U.S. Treasury Obligations  
5 or other equally secure collateral, a safe keeping receipt or the funds will be maintained  
6 in financial accounts and never leave the control of the program operator or manager.

7 c. The funds will be used as short term collateral in an investment program for a fixed  
8 period of time, such as one year. During that time the principal is generally unavailable.

9 d. The funds will be used as collateral to fund "trades" in a secret or little known market,  
10 usually in Europe, where "Prime Bank Instruments" are traded.

11 e. For obtuse reasons, the solicitor claims this market is controlled by a very small number  
12 of "traders" who have consistently made obscene profits by trading financial instruments,  
13 the value of which are unknown to the largest financial institutions in the world which  
14 must use this market to obtain liquidity. The "investment" is never at risk because the  
15 trades are done so quickly that no real money is required, and the mere presence of the  
16 collateral is sufficient.

17 f. Experienced traders in this market can generate trading profits from 2% per month to  
18 100% per month, always based upon the fact that the financial institutions may not deal  
19 directly with each other and the fact that in international finance, the financial institutions  
20 have no idea of the value of the instruments they trade and the financial institutions crave  
21 liquidity over value or profit.

22 g. This market has existed for more than 50 years, since the end of the World War II, and  
23 a better or more efficient or economic market has not developed, despite the regular loss  
24 of substantial value by international financial institutions, due to cumbersome  
25 governmental regulations in all the countries of the Free World.

26 h. Initially, all such fraud schemes accentuate the lack of risk and the security of the  
27 investment, but the contracts contain a recitation that there can be no guarantee of any  
28

1 specific rate of return nor of even the return of the investment as the result of unknown  
2 or unforeseen developments in the world of international finance.

3 i. Some "programs" even pay a significant return for a period of time in an effort to lull  
4 investors or to obtain additional capital from new victims, the associates, friends and  
5 family members of the original victims. (However, these payments are made from the  
6 funds contributed by other investors, in the form of the classic "PONZI SCHEME."  
7 There is no "profit" from trading prime bank instruments, because there is no market  
8 where such instruments are traded by private citizens any where in the world. Any  
9 representation to the contrary is an absolute falsehood.)

10 j. Aside from innocent victims, others who might participate in Prime Bank Instrument  
11 Fraud include money launders who seek to conceal the source, identity and control of  
12 funds by the movement of funds through the accounts of others; those seeking to conceal  
13 wealth from others, including spouses, business associates, and governments for tax  
14 reasons; and elements of criminal enterprise seeking either to create an appearance of  
15 wealth from an apparently legitimate source or victimize financial institutions with  
16 worthless financial instruments.

17 k. Eventually, the common element of all prime bank instrument fraud "programs" is the  
18 managers or traders profit and the capital provided by the investors is lost.

3 8. Claimant, by the execution of this agreement, acknowledges that Claimant has read and  
4 understood the terms of this agreement. Claimant is now advised of the existence of "Prime  
5 Bank Instrument Fraud" schemes and, based upon the experience involved in this investigation  
6 and the details contained in this agreement, it is very unlikely that Claimant would ever be  
7 considered as an innocent owner of funds seized in the future as the result of participation in  
8 similar transactions.

EXHIBIT I



19 | 11. Unless otherwise noted, Claimant declares, that Claimant is the sole owner of the  
20 | defendant funds which Claimant caused to be "invested" in the fraudulent scheme and the funds  
21 | do not represent the aggregated funds of others from whom Claimant obtained the funds.  
22 | Claimant further asserts that Claimant earned no commission, fee or compensation of any nature  
23 | as the result of the placement of these funds with the fraudulent high yield program.

5 14. Claimant declares, under penalty of perjury of the laws of the United States of America,  
6 and pursuant to 28 U.S.C. §1746, that the foregoing is true and correct.

13 Respectfully submitted this 15 day of May, 2000.

14 *Thomas M. Connelly*  
15 THOMAS M. CONNELLY  
16 Counsel for Claimant

JOSÉ de JESUS RIVERA  
United States Attorney  
District of Arizona

17 *George T. Besser*  
18 GEORGE T. BESSER  
19 Claimant

*Reid C. Pixler*  
20 REID C. PIXLER  
21 Assistant U.S. Attorney

22 I hereby attest and certify on 5/11/05  
23 that the foregoing document is a true and correct  
24 copy of the original on file in my office and in my cus-  
25 tody

26 Dated this 19<sup>th</sup> day of May, 2000.

27 *Mary [Signature]* Deputy  
28 CLERK, U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

29 \_\_\_\_\_  
30 <sup>2</sup> Interest earned on the aggregated funds has been included in the tracing of the funds, to the  
31 extent that interest was paid into an account within which the seized funds were contained. Interest will  
32 also be calculated on the funds at the U.S. Treasury rate from the date the funds were received by the  
33 Treasury to the date of distribution.

1 JOSÉ de JESUS RIVERA  
United States Attorney  
District of Arizona

2 Reid C. Pixler  
3 Assistant U.S. Attorney  
4 4000 U.S. Courthouse  
230 North First Avenue  
Phoenix, Arizona 85025  
5 Arizona State Bar No. 12850  
Telephone (602) 514-7500

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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF ARIZONA

8 United States of America,

9 Plaintiff,

10 v.

11 1. \$5,000,000 IN THE FORM OF THE  
12 PROCEEDS OF AN INTERNATIONAL  
13 BANKERS DRAFT DRAWN TO THE  
14 ORDER OF WORLD TRADE AND  
15 FINANCE, PRESENTED TO THE  
16 ROYAL BANK OF SCOTLAND, ISLE OF  
MAN AND HELD IN THE  
CORRESPONDENT ACCOUNT  
NUMBER 2000090732810 AT FIRST  
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17 2. \$3,000,000 IN THE FORM OF THE  
18 PROCEEDS OF AN INTERNATIONAL  
19 BANKERS DRAFT DRAWN TO THE  
20 ORDER OF CAPITAL TRADING, LLC.,  
21 PRESENTED TO THE ROYAL BANK OF  
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23 3. \$642,113.81 IN THE JEFFREY A.  
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CALIFORNIA;

26 4. \$36,174.37 IN THE JEFFREY A. MATZ  
27 ATTORNEY AT LAW GENERAL  
28 ACCOUNT NUMBER 3200922 AT THE  
NATIONAL BANK OF CALIFORNIA;

NO. CIV-99-0291-PHX-LOA

**SETTLEMENT STIPULATION**

1  
2 5. \$26,716.91 IN THE JEFFREY A.  
3 MATZ, AS TRUSTEE FOR WILLIAM  
4 GIBNEY ACCOUNT NUMBER 3600181  
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5 6. \$2,807.15 IN THE JEFFREY MATZ  
6 ATTORNEY CLIENT TRUST ACCOUNT  
7 3600173 FOR THE BENEFIT OF  
8 MOUNTAIN PEAK, LLC. % MYRON  
WICK AT THE NATIONAL BANK OF  
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9 7. \$74,540.51 IN THE JEFFREY MATZ  
10 AS TRUSTEE FOR LESTER E. SHOALTS  
11 ACCOUNT 3600203 AT THE NATIONAL  
BANK OF CALIFORNIA;

12 Defendants,

13 AND THE INTEREST OF  
14 GEORGE T. BESSER, d.b.a.  
VALLEY BOYZ,

15 Claimant.

16  
17 STIPULATION

18 Plaintiff, United States of America, by and through its attorney, JOSÉ de JESUS RIVERA,  
19 United States Attorney for the District of Arizona, and his Assistant, Reid C. Pixler, Assistant  
20 United States Attorney, and GEORGE T. BESSER, by and through counsel THOMAS M.  
21 CONNELLY, hereafter referred to as Claimant<sup>1</sup>, respectfully states as follows:

22 1. As the result of direct communication between counsel for Claimant and an Assistant  
23 U.S. Attorney, and considering the nature of the legal and factual issues involved, the size of the  
24 amount in controversy, the expense of such litigation, and length of time involved in the

25  
26 <sup>1</sup> If a claimant purports to act for the economic interest of others, whose funds were included in  
27 the original sum "invested" into this high yield investment fraud, then each of the others and the dollar  
amount they invested must be disclosed to plaintiff and each such victim must sign this agreement,  
disclosing their address and the pro rata share each victim is to receive from the seized funds.

1 potential litigation, the parties do hereby agree to settle and compromise the above-entitled  
2 action upon the terms indicated below.

3 2. On or about May 15, 1999, the contents of the above described bank account was seized  
4 from the control of JEFFREY A. MATZ, at the National Bank of California, in Los Angeles,  
5 California, and from the control of FOWLER and HENNEMAN at a correspondent bank  
6 account for the Royal Bank of Scotland, International at the CoreStates Bank, in Philadelphia,  
7 Pennsylvania as the result of Seizure Warrants obtained by Special Agents of the United States  
8 Customs Service, as a part of an investigation regarding fraudulent acts generally referred to as  
9 "Prime Bank Instrument Fraud," or a "High Yield Investment Fraud." The United States has  
10 established to the satisfaction of two United States Magistrates who issued the warrants that  
11 probable cause exists to believe that these funds were involved in Wire Fraud in violation of 18  
12 U.S.C. § 1343 and had become involved in a series of financial transactions in violation of 18  
13 U.S.C. § 1956 and § 1957, and that the funds would be subject to forfeiture pursuant to 18  
14 U.S.C. § 981(a)(1)(A). The United States seized these funds to prevent the theft, loss and  
15 dissipation of the funds from the true and rightful owners. The funds from many  
16 investor/victims have been commingled in the respective accounts. The table contained in  
17 paragraph number 407 of the complaint presents a pro rata tracing of the commingled funds  
18 through the various accounts, and is the basis for the distribution of the seized funds to the  
19 rightful owners.

20 3. Generally, Prime Bank Instrument Fraud or High Yield Investment Fraud is identified by  
21 some, if not all, of the following factors:

- 22 a. A solicitor will offer an opportunity to participate in a "Program" in which an investor  
23 must be found to qualify on the basis of dollar contribution, degree of investor  
24 sophistication, background check to insure the funds are "clean, clear and of non criminal  
25 origin and/or the execution of contracts which are carefully designed to recite false facts,  
26 such as that there has been no solicitation, that the contract does not involve the sale of  
27 securities or that the investment is structured in the form of a loan and the invested funds

1 will always be in secured financial accounts and will never be in jeopardy. The solicitor,  
2 no matter the title in the "contract," receives a commission for the sale, investment or  
3 loan provided from the investor to the "Program."

4 b. The "invested funds" are secured by a bond, the purchase of U.S. Treasury Obligations  
5 or other equally secure collateral, a safe keeping receipt or the funds will be maintained  
6 in financial accounts and never leave the control of the program operator or manager.

7 c. The funds will be used as short term collateral in an investment program for a fixed  
8 period of time, such as one year. During that time the principal is generally unavailable.

9 d. The funds will be used as collateral to fund "trades" in a secret or little known market,  
10 usually in Europe, where "Prime Bank Instruments" are traded.

11 e. For obtuse reasons, the solicitor claims this market is controlled by a very small number  
12 of "traders" who have consistently made obscene profits by trading financial instruments,  
13 the value of which are unknown to the largest financial institutions in the world which  
14 must use this market to obtain liquidity. The "investment" is never at risk because the  
15 trades are done so quickly that no real money is required, and the mere presence of the  
16 collateral is sufficient.

17 f. Experienced traders in this market can generate trading profits from 2% per month to  
18 100% per month, always based upon the fact that the financial institutions may not deal  
19 directly with each other and the fact that in international finance, the financial institutions  
20 have no idea of the value of the instruments they trade and the financial institutions crave  
21 liquidity over value or profit.

22 g. This market has existed for more than 50 years, since the end of the World War II, and  
23 a better or more efficient or economic market has not developed, despite the regular loss  
24 of substantial value by international financial institutions, due to cumbersome  
25 governmental regulations in all the countries of the Free World.

26 h. Initially, all such fraud schemes accentuate the lack of risk and the security of the  
27 investment, but the contracts contain a recitation that there can be no guarantee of any  
28

1 specific rate of return nor of even the return of the investment as the result of unknown  
2 or unforeseen developments in the world of international finance.

3 i. Some "programs" even pay a significant return for a period of time in an effort to lull  
4 investors or to obtain additional capital from new victims, the associates, friends and  
5 family members of the original victims. (However, these payments are made from the  
6 funds contributed by other investors, in the form of the classic "PONZI SCHEME."  
7 There is no "profit" from trading prime bank instruments, because there is no market  
8 where such instruments are traded by private citizens any where in the world. Any  
9 representation to the contrary is an absolute falsehood.)

10 j. Aside from innocent victims, others who might participate in Prime Bank Instrument  
11 Fraud include money launders who seek to conceal the source, identity and control of  
12 funds by the movement of funds through the accounts of others; those seeking to conceal  
13 wealth from others, including spouses, business associates, and governments for tax  
14 reasons; and elements of criminal enterprise seeking either to create an appearance of  
15 wealth from an apparently legitimate source or victimize financial institutions with  
16 worthless financial instruments.

17 k. Eventually, the common element of all prime bank instrument fraud "programs" is the  
18 managers or traders profit and the capital provided by the investors is lost.

19 4. The defendant funds, #3 through #7, were found in numerous accounts at National Bank  
20 of California, in the name of Jeffrey A. Matz, As Trustee for others. The parties are aware that  
21 Jeffrey A. Matz has admitted these accounts were not created as attorney/client trust accounts,  
22 but were created for the sole purpose of receiving funds from those solicited for the purpose of  
23 participation in a "Trading Program" as generally described above in paragraph number 3.

24 5. The defendant funds, #1 and #2, were found in a correspondent bank account for the  
25 Royal Bank of Scotland at First Union Bank (formerly CoreStates Bank), Philadelphia,  
26 Pennsylvania. The funds were held on behalf of Duane Henneman, doing business as Dr.  
27 Robert E. Bruce, Capital Trading, Ltd.; Capital Trading, Limited; Capital Trading plc.; and The  
28

1 Isle of Man Program, by Derek Fowler, also doing business as Capital Trading, Ltd.; Capital  
2 Trading, LLC; Capital Fund; Capital Trading plc.; World Trade and Finance; and The Isle of  
3 Man Program. The funds were held for a trading program referred to by the participants as the  
4 Isle of Man Program.

5 6. On May 1, 2000, an Order of Partial Default Judgment was entered regarding the interest,  
6 if any, in the above described defendant funds of the following individuals and the entities they  
7 represent:

8 a. Jeffrey A. Matz, individually and dba United States Holdings; USH; and The Isle of Man  
9 Program.

10 b. Duane Henneman, a.k.a. Dr. Robert E. Bruce, and d.b.a. Dr. Robert E. Bruce Trust,  
11 Capital Trading, Ltd.; Capital Trading, Limited; Capital Trading plc.; and The Isle of  
12 Man Program.

13 c. Derrick Fowler, individually and d.b.a. Capital Trading, Ltd.; Capital Trading, LLC;  
14 Capital Fund; Capital Trading plc.; World Trade and Finance; and The Isle of Man  
15 Program.

16 d. Leslie Wingham, individually and d.b.a. Capital Trading, Ltd.; Capital Trading, LLC;  
17 Capital Fund, Ltd; Capital Trading plc.; The Isle of Man Program; Accord Insurance and  
18 Accord Trading; and Tradewinds Offshore Financial Services Limited.

19 e. Adrian Scheps, individually and d.b.a. Scheps and Co.

20 f. Ron Schor.

21 g. Shinder Singh Gangar, individually and dba Middle East Holdings.

22 h. Robert Hunt.

23 7. The settlement agreement in this action is based upon the tracing of the funds contained  
24 in the First Verified Complaint *In Rem*, filed in this action and is specifically in reliance upon  
25 the pro rata division of the net remaining laundered proceeds as set out in paragraph number 407  
26 of the above described complaint. Claimant specifically agrees that Claimant is aware of no  
27 evidence which disputes directly or indirectly the validity of the tracing of the funds summarized



1 in this table nor in any material manner contradicts the allegations contained in the above  
2 described complaint.

3 8. Claimant, by the execution of this agreement, acknowledges that Claimant has read and  
4 understood the terms of this agreement. Claimant is now advised of the existence of "Prime  
5 Bank Instrument Fraud" schemes and, based upon the experience involved in this investigation  
6 and the details contained in this agreement, it is very unlikely that Claimant would ever be  
7 considered as an innocent owner of funds seized in the future as the result of participation in  
8 similar transactions.

9 9. Claimant agrees to hereby release and forever discharge the United States and the  
10 Department of Justice, the United States Customs Service and all officers, employees, contract  
11 employees, agents, and task force agents from any and all actions, causes of action, suits,  
12 proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever  
13 in law or equity which claimant, their heirs, successors, or assigns ever had, now have, or may  
14 have in the future in connection with the seizure, detention, and return to all Claimant of a pro  
15 rata share of the seized funds from above described defendant accounts.

16 10. Claimant stipulates and agrees that the agents of the United States Customs Service had  
17 reasonable grounds to seize the funds contained in the account, based upon the allegations  
18 contained in the First Amended Verified Complaint.

19 11. Unless otherwise noted, Claimant declares, that Claimant is the sole owner of the  
20 defendant funds which Claimant caused to be "invested" in the fraudulent scheme and the funds  
21 do not represent the aggregated funds of others from whom Claimant obtained the funds.  
22 Claimant further asserts that Claimant earned no commission, fee or compensation of any nature  
23 as the result of the placement of these funds with the fraudulent, high yield program.

24 12. Claimant agrees to indemnify and hold the United States harmless in the event any  
25 subsequent third party ever establishes the funds, which are the subject of this agreement, in fact  
26 belong to that third party and the third party seeks compensation from the United States on the  
27

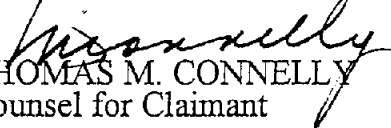
1 basis that the United States should not have entered into this agreement and distributed funds  
2 based upon the information provided by Claimant.

3 13. Plaintiff and Claimant offer this stipulation in place of an Answer, as the most  
4 expeditious manner of resolving the litigation described herein.

5 14. Claimant declares, under penalty of perjury of the laws of the United States of America,  
6 and pursuant to 28 U.S.C. §1746, that the foregoing is true and correct.


7 15. In specific reliance upon the truthfulness of the information provided by the parties to this  
8 agreement during the informal discovery process and upon the terms of this agreement recited  
9 above, the United States agrees to deliver to Claimant the approximate amount of \$674,545.18<sup>2</sup>,  
10 from above described defendant accounts, in full and complete satisfaction of the claim by  
11 Claimant to the funds seized by the United States Customs Service. Each party shall pay its own  
12 costs and attorneys fees.

13 Respectfully submitted this 15 day of May, 2000.

14   
15 THOMAS M. CONNELLY  
16 Counsel for Claimant

JOSÉ de JESUS RIVERA  
United States Attorney  
District of Arizona

17   
18 GEORGE T. BESSER  
19 Claimant

  
20 REID C. PIXLER  
21 Assistant U.S. Attorney

22 Dated this 19<sup>th</sup> day of May, 2000.

23  
24  
25  
26 <sup>2</sup> Interest earned on the aggregated funds has been included in the tracing of the funds, to the  
27 extent that interest was paid into an account within which the seized funds were contained. Interest will  
28 also be calculated on the funds at the U.S. Treasury rate from the date the funds were received by the  
Treasury to the date of distribution.

Certified Mail #

7008 1830 0003 6495 2961

P.O. Box 6001  
Ashland, KY 41105

511-34-2904

*Besser*

January-27-2011



Thomas A. Connelly  
Attorney at Law  
2198 East Camelback Road  
Suite 285  
Phoenix, AZ 85016

*returned*

Dear Mr. Connelly:

I am currently in need of a copy of the contract I signed with the federal government in regards to a forfeiture action over an investment fraud program called the "Isle of Mann Project" in which \$1 million was seized on or about May 15, 1999, by the U.S. Attorney's Office in Phoenix. The contract I am seeking was actually signed in May, 2000, with you retained as counsel in regards to it.

Thank you for your prompt attention to this matter.

Sincerely,

*George Besser*

George Besser  
#27340-112

Federal Correctional Institution

George Besser 27340-112  
Federal Correctional Institution  
Office Box 6001  
Ashland, Ky 41105



*Thomas A. Connelly  
Attorney at Law  
2198 East Camelback Rd.  
Phoenix, AZ 85016*



EXHIBIT K

# SUISSE SECURITY BANK & TRUST

## The Offshore Leader

As a client of Suisse Security Bank & Trust, you can now have complete confidence in the strength of our organization and in the safety of your account. Whether you are an individual or corporate client, we'll help you establish the type of account that matches your needs.

### Protection for All SSBT Accounts

SSBT clients enjoy superior account protection for two reasons:

- (1) All of SSBT's client deposits are held with its correspondent Tucker Anthony.
- (2) All accounts held with Tucker Anthony carry the standard SIPC insurance and also enjoy substantial third party protection.

Tucker Anthony is a member of the Securities Investors Protection Corporation (SIPC) and under the Securities Protection Act, SIPC provides for its members up to US\$500,000 of protection per customer. All Tucker Anthony client accounts are protected over and above the standard industry coverage provided from SIPC. Unlike many excess coverage policies, this additional protection (known as "Net Equity" excess SIPC coverage) cover the total amount of fully paid securities and cash balances without limit, thus providing total protection for each customer's assets.

The additional coverage is underwritten by Asset Guaranty Insurance Company, a wholly-owned subsidiary of Enhance Financial Services group, Inc. which has a market capitalization of over 750 million US dollars. This excess coverage is triggered by the same terms and conditions as standard SIPC protection. Accordingly all securities and cash balances held in a client's account would be distributed to a client in the unlikely event of a SIPC liquidation. Securities purchased on margin, if any, would be distributed on a pro-rata basis after calculation of any debit balances.

*"We offer all our  
clients the  
confidence and  
protection of  
unlimited account  
protection."*

**Charges & Rates  
Schedule**



Effective As  
Of January 11, 1999  
Subject to change  
without notice

**Suisse Security Bank & Trust**

**Cash Management Standard Fees**

Wire transfer	1.0% (minimum US\$ 38)	Cashier's check	1.0% (min. US\$ 38)
Retained statements	US\$ 20 per month	Bank guarantees	Negotiable
Fax confirmations	US\$ 25	Fax statements	US\$ 25 per statement
Account reference	US\$ 100	Transfer investigation	US\$ 100
Check cancellation	US\$ 50 per request	Transfer cancellation	US\$ 50 per request
Check deposits	FREE		
Check collections	FREE (except for any correspondent charges)		
Bounced check	1/4% on check amount (minimum charge of US\$ 100)		
Cash withdrawals	1.5% (minimum US\$ 38) for USD withdrawals 2.0% (minimum US\$ 50) for non-USC withdrawals		

**Cash Accounts**

	Type 1	Type 2	Type 3	Type 4	Type 5	Type 6	Type 7	Type 8*
Monthly account fee:	\$2.00	\$5.00	\$18.75	\$7.50	\$12.50	\$16.25	\$21.25	\$25.00
Annual interest rate:	0%	2%	1%	3%	4%	5%	6%	Varies
Monthly service charge:	\$10	\$40	\$45	\$55	\$60	\$70	\$90	\$50
Minimum balance to avoid service charge: (* per currency)	\$500	\$4K	\$5K	\$15K	\$35K	\$75K	\$150K	\$9K

**Checking Accounts**

	Type 30	Type 31	Type 32	Type 33
Monthly account fee:	\$5	\$12.50	\$15.00	\$16.25
Annual interest rate:	0%	1%	2%	3%
Monthly service charge:	\$15	\$30	\$40	\$50
Minimum balance to avoid service charge:	\$2K	\$5K	\$15K	\$25K
Free checks per month:	3	5	10	20
Per check charge for additional checks:	\$1.50	\$1.50	\$1.50	\$1.50

**Interest & Overdraft Rates**

	Interest	Overdraft	
United States Dollar	Varies	18% p.a.	
German Mark	1.75% p.a.	18% p.a.	
French Franc	1.75% p.a.	18% p.a.	Call for information on all other currencies.
British Pound	2.00% p.a.	18% p.a.	
Canadian Dollar	1.75% p.a.	18% p.a.	
Swiss Franc	0% p.a.	18% p.a.	

**L.B.C. Incorporations**

	Incorporation Fee	Annual fee per IBC
Authorized share capital of up to US\$ 50,000	US\$ 529	US\$ 250
Authorized share capital of over US\$ 50,000	US\$ 1,380	US\$ 1,000
Shipping charges via U.P.S. (U.S. & Canada)	US\$ 39 per company	
Shipping charges via U.P.S. (Everywhere else)	US\$ 49 per company	

**Corporate Management Standard Fees**

Voice Mail Box	US\$ 9.95 per month	Fax mail box	US\$ 12.95 per month
Fax on demand box	US\$ 14.95 per month	Phone calls to U.S.	US\$ 1.95 per minute
Fax calls to U.S.	US\$ 1.95 per minute	Phone calls (non-U.S.)	Varies
Fax calls (non-U.S.)	Varies	Hold mail	US\$ 8.95 per month
Administrative work	US\$ 45 per hour	Notarize	US\$ 200 per item
Apostille	US\$ 200 per item	Legal advise	Varies
Photocopies	US\$ 0.25 per page	Nominee director	US\$ 100 per month
Client letter request (custom)	US\$ 25	Certified SSBT letter	US\$ 50
Resolution of subscriber copy	US\$ 25	Memo. & Arts. copy	US\$ 25 / 50
Additional share certificate	US\$ 10 / 25	Cert. of good standing	US\$ 50
Change of registered agent	US\$ 100	E-mail account	FREE

VIEW 2.0 BROWSE - CFT99500002H ----- REC 0129729 PG 0003771.001 LOCK 00  
COMMAND ===> SCROL

SAPPAGE 3771

DATE: 11/16/00 MONEYNET DAILY TRANSACTION LOG. REPORT 120 TIME: 23:0  
SEQUENCE NUMBER: 001116003768 ASSOC. SEQ. NUM.: MATCH SEQ. NUM. : MESSAGE S

OWNING RBU: CENTRAL \* ROUTING INFORMATION \*

SOURCE BANK: 072000915 ABA NAME NATL CITY KAL ABA NAME LIBERTY BANK  
WIRE-KEY: FWOF000432 COMMLOG KEY: FWOF 0011161258508700 TESTCODE STATUS: 00  
TRAN TYPE: DR OUTGOING WIRE TRANSFER INTERNAL TRAN CODE: 2731501000 TRAN CODE:

TRAN STATUS: DRCE XMIT  
DR AFFILIATE CODE: 056 CR AFFILIATE CODE: 056  
REPEAT CODE: CALLER NAME: GEORGE BESSER

NOTIFY:  
WAIVE FEES: N  
PROBLEMS: RESOLUTIONS: EXCEPTION REASON: NONE  
1 - NON-REPETITIVE TRANSFER. OK  
16- BANK NOT FOUND OR NOT FED MEMBER. LIBERTY BANK;SPRINGFIELD MO 086586965

\* FINANCIAL INFORMATION \*  
CREDIT ACCT: 056000011200000 THE FEDERAL RESERVE BANK OF CHICAGO CREDIT INTEREST ACCT:  
DEBIT ACCT: 056006230244060 ACCESS FINANCIAL GROUP INC DEBIT INTEREST ACCT:  
AMOUNT SENT: \$ 20,000.00 AMOUNT RECEIVED: \$ .00 PRINCIPAL: \$ 20,000.00 INTEREST: \$  
RATE: / RATE FLAG: LOAN TERM: DAYS: 000 AVAILABLE: SAME COLLATERAL: VALUE DA

\* FEDWIRE MESSAGE FORMAT \*  
NATL CITY KAL /ORG=ACCESS FINANCIAL GROUP INC;ROSEVILLE,MI  
LIBERTY BANK /CTR/BNF=MLC DEVELOPMENTS INT'L INC/AC-6003545 BBI=REF  
TERRY BESSER AND JAN MARCUSSE

EXHIBIT M

## **MLC Developments Int'l., Inc. Mission Statement** Showcase Branson-Project™ ... Showcase Int'l adventure Parks™

Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent.

*Calvin Coolidge*

Teamwork ... coming together is a beginning; keeping together is progress; working together is success.

*Henry Ford*

Excellence can be attained, if you ... care more than others think is wise, risk more than others think is safe, dream more than others think is practical, and expect more than others think is possible.

*Unknown*

At Showcase™ we dream forever, think for ten years and plan for five. Challenges are inevitable, Defeat is optional and Dreams are forever.

*Michael L. Carney*

To all our means of culture is added the powerful incentive to personal ambition, no post of honor is so high but the poorest may hope to reach it.

*James A. Garfield*

The path of progress is seldom smooth. New things are often found hard to do. Our fathers found them so. We find them so. But are we not made better for the effort and sacrifice.

*William McKinley*

### **SHOWCASE BRANSON-PROJECT™ – SHOWCASE INT'L ADVENTURE PARKS™ SYSTEM – BRANSON, MO**

#### **MLC MISSION STATEMENT**

May 10<sup>th</sup>, 2001

Compiled & Prepared by:

**MLC Developments Int'l., Inc.**

**Michael L. Carney, MLC Chairman**  
**Shella L. Carney, MLC President**  
**Robert W. Plaator, MLC Chief Financial Officer**  
P. O. Box 156 • Kimberling City, MO 65686-0156  
417-336-0522 Main • 417-338-1188 Fax  
e-mail: [showcase@ipa.net](mailto:showcase@ipa.net)  
Website: [www.showcaseparks.com](http://www.showcaseparks.com)  
Showcase Branson-Project™  
Consultants & Master Developer  
MLC Developments Int'l., Inc. 1990-2001 - ©/™

**Daniel W. Evans, MLC Attorney-at-Law**  
8084 Del Trigo  
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489-596-0590 Home  
480-668-6000 Main & Fax  
202-256-1972 Cellular  
e-mail: [turtleislandent@hotmail.com](mailto:turtleislandent@hotmail.com)  
Website: Coming Soon

**Richard Williams, MLC Tribal Coordinator**  
C/o J & D Enterprises  
Lac Vieux Desert Casino  
U.S. 45 North  
Watersmeet, MI 49969  
906-544-2547 • 906-544-2630 Fax  
e-mail: Coming Soon  
Website: Coming Soon

**Randy Scott, MLC Project Coordinator**  
C/o Tetra Tech, MPS  
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Escanaba, MI 49829  
906-786-0298 Main • 906-786-0376 Fax  
e-mail: [randy.scott@ttmps.com](mailto:randy.scott@ttmps.com)  
website: [www.ttmps.com](http://www.ttmps.com)

**Ken Helthaus, MLC Engineering Coordinator**  
Helthaus Engineering Incorporated  
535 West Battlefield Road  
Springfield, MO 65807  
417-887-3238 Main  
417-887-1940 Fax  
573-243-2608 – Cape Girardeau, MO  
800-215-0364 – Toll Free  
e-mail: [hej@helweb.com](mailto:hej@helweb.com)  
Website: [www.helweb.com](http://www.helweb.com)

Witness List

EXHIBIT #1

1 of 6

EXHIBIT N

CRAR  
MAR 127 12002  
0042 003887

**MATT BLUNT, Secretary Of State**  
**2001 ANNUAL REGISTRATION REPORT**  
(Business)

CHECK #: \_\_\_\_\_  
AMOUNT: \_\_\_\_\_

00468967  
MLC DEVELOPMENTS INTERNATIONAL, INC.

Z **SHELIA L. CARNEY**  
116 LAKE CLUB DRIVE #7  
BRANSON MO 65616

OUR RECORDS SHOW YOUR FISCAL TAX YEAR AS:	
REG. MONTH	END MONTH
04/28	04/27
INDICATE IF YOUR FISCAL TAX YEAR HAS CHANGED:	
REG. MONTH	END MONTH
4/15	4/27

IMPORTANT NOTE TO CHANGE REGISTERED AGENT OR OFFICE SHOWN DIRECTLY ABOVE. REQUEST FORMS FROM THE SECRETARY OF STATE. CHANGES MADE TO THIS FORM ARE NOT EFFECTIVE TO CHANGE THE REGISTERED AGENT OR OFFICE.

**FILED**

MAR 22 2002

*Matt Blunt*  
SECRETARY OF STATE

PRINCIPAL PLACE OF BUSINESS OR CORPORATE HEADQUARTERS:	16282 MO-13, Suite E Branson West, MO 65737 CITY/STATE ZIP
--	--

NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE) OF OFFICERS (MUST HAVE A PRESIDENT AND A SECRETARY. WILL ASSUME PRESIDENT IS ALSO SECRETARY, IF SECRETARY IS NOT LISTED.)
NAME <u>Michael L. Carney</u>
STREET/RT <u>16282 MO-13, Suite E</u>
CITY/STATE/ZIP <u>Branson West, MO 65737</u>
V. PRES
STREET/RT
CITY/STATE/ZIP
SECY
STREET/RT
CITY/STATE/ZIP
TREAS
STREET/RT
CITY/STATE/ZIP

NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE) OF BOARD OF DIRECTORS (MUST HAVE ONE DIRECTOR. IF NOT LISTED, WILL ASSUME DIRECTORS ARE THE SAME AS OFFICERS.)
NAME <u>Randy Scott</u>
STREET/RT <u>16282 MO-13, Suite E</u>
CITY/STATE/ZIP <u>Branson West, MO 65737</u>
NAME <u>Robert Plaster</u>
STREET/RT <u>16282 MO-13, Suite E</u>
CITY/STATE/ZIP <u>Branson West, MO 65737</u>
NAME
STREET/RT
CITY/STATE/ZIP
NAME
STREET/RT
CITY/STATE/ZIP

**ATTACH NAMES AND ADDRESSES OF ALL OTHER OFFICERS AND DIRECTORS**

The undersigned understands that false statements made in this report are punishable for the crime of making a false declaration under Section 578.040 RSMo 1986

*[Signature]*

Original signature of officer listed above required. Photocopy of stamped signature not acceptable.

ATTACHED IS THE REGISTRATION FEE OF:
<input type="checkbox"/> \$45.00 If filed on or before due date
<input type="checkbox"/> \$60.00 If within 30 days after due date
<input type="checkbox"/> \$75.00 If within 60 days after due date
<input type="checkbox"/> \$90.00 If within 90 days after due date
Corporation will be administratively dissolved if report is not filed.



CORPORATE E-MAIL ADDRESS (optional) \_\_\_\_\_

**COMPLETE THE BOXES OR FORM WILL BE RETURNED  
RETURN AND MAKE CHECK PAYABLE TO SECRETARY OF STATE**

P.O. BOX 1344, JEFFERSON CITY, MO 65102

Witness List

EXHIBIT #1

2 of 6

EXHIBIT N



SENT BY:

2-15- 0 : 15:29 : LAC VIEUX DESERT-

4028573497:# 2/ 2

**Lac Vieux Desert Band of Lake Superior Chippewa Tribal Government**  
P.O. Box 249, Choate Road • Watersmeet Michigan 49969  
906-358-4577 • Fax: 906-358-4785



*Executive Officers:*

Richard Williams, Tribal Chairman  
James Williams Jr., Vice Chairman  
Harvey White Jr., Treasurer  
Rose Pete, Secretary

*Council Members:*

Helen Smith  
Delores Williams  
Michael Hazen Sr.  
John McGestrick Jr.  
Tyrone McGeshick

February 15, 2000

Governor Mel Carnahan,  
State of Missouri  
Missouri Capitol Building, Room 216  
P.O. Box 720  
Jefferson City, MO 65102-0702

Re: Showcase Branson-Project  
Lac Vieux Desert Band of Lake Superior Chippewa (LVD) participation

Dear Governor Carnahan:

The purpose of this letter is to express our intent to team up with MLC Development Int'l, Inc. (Mr. Michael Carney and Mr. Robert Plaster, principals) on the development of a theme park and convention center project in the Branson, MO area. To reiterate what I've stressed in various news interviews, we have no plans to incorporate gaming into the scope of our development, nor do our partners. We feel that the benefits and potential profit of this project without gaming merit our involvement, as we strive for tribal economic diversification. I should point out that the tribe still intends to proceed with the project, whether or not Reservation status is achieved, for exactly these same reasons.

Governor Carnahan, you have our solemn word that Native American gaming will not be part of this development.

However, should gaming become viable by virtue of statute or legislative order in the Branson area, we do not expect that we should be precluded from participating in gaming at that point. To be more specific, if Missouri allows land-based operations, then we as a tribe should be allowed to apply as participants like anyone else, at that point it's an open playing field ... although I should point out, it is still not our intention to involve gaming in this project. Attached copies of letters (to and from) U.S. Senator Bond, and to our regional BIA Office reiterates our position.

We hope this letter will once and for all put to rest the uncertainty regarding our plans in Branson and any misconceptions that have arisen as a result. The Lac Vieux Desert Band of Lake Superior Chippewa has always dealt above board in an honorable and trustworthy manner. We have no intentions of jeopardizing our good reputation by pulling the wool over the eyes of the good people in the State of Missouri.

We look forward to meeting with you during one of our future visits to your beautiful area. I know that future miscommunications can be eliminated by simply opening up direct dialog between your office and Lac Vieux Desert. Please contact us at your earliest convenience.

Sincerely,

  
Richard Williams, Tribal Chairman  
Lac Vieux Desert Band of Lake Superior Chippewa

Witness

EXHIBIT #6

1 of 2

EXHIBIT N



Robert W. Plaster, Chairman of Evergreen Investments, L.L.C. is seen here (left) presenting an American Eagle statue to Richard Williams, Chairman of the Lac Vieux Desert Band of Lake Superior Chippewa Indians on October 26th 1999 at the Tribal Council Hall in Watersmeet, MI. A gesture of friendship and a common concern for the plight of the American Eagle. This meeting is commemorative of the beginning of a long friendship by sharing in a common goal - the Showcase Branson-Project™ in Branson, Missouri

Witness

EXHIBIT #6

2 of 2

EXHIBIT N

**Indoor Attractions & Multi Use Applications ...**

**Kidz Zone ...**

All Indoors, Children's Fun Park Attraction  
(Location - South Wing, Evergreen Atrium Entry)

Misc. Shape - 48,600 sq. ft. - Level I  
(Uses two levels of available space)  
(Area is open, up through second level)  
Misc. Shape - 75,600 sq. ft. - Level II  
• 48,600 square-foot total - Level I

(Virtual Reality indoor Theme Park, Theaters, Concessions, interactive Displays, Games, etc.)  
(Kidz Zone uses a total of 97,600 sq. ft.)  
(Utilizes 43,200 sq. ft. of Level II)  
(Sq. ft. does not include Level II)

**Glitterbox Gift Shops ...**

• Main Anchor Store in East Entrance - Shop I  
(Location - Evergreen Atrium)

(Atrium - 2 levels of shops, theaters, services, etc.)  
Misc. Shape - 28,000 sq. ft. - Level I  
(Glitterbox sits inside Atrium's open space)  
(Atrium area on Level II, uses 42,300 sq. ft.)  
• 28,000 square-foot total - Level I

(Entry to 12 Retailers, 4 Theaters, Do Wop Diner)  
(Evergreen Atrium allows 37,800 sq. ft. open ceiling)  
(Evergreen Atrium uses 79,200 sq. ft. - East end)  
(Amid waterfalls, greenery, pools, stonework, etc.)

• Satellite Shop in North Entrance - Shop II  
(Location - Watersmeet Atrium)

30' x 90' - 5,400 sq. ft. - Level I  
(Amid waterfalls, greenery, pools, stonework, etc.)  
(Atrium area on Level II, uses 32,400 sq. ft.)  
• 5,400 square-foot total - Level I

(Entry to Grand Gallery - Main Exhibition Hall)  
(Watersmeet Atrium - 46,800 sq. ft. - Northwest)  
(Open 24 hours - Entry to Shops, Theaters, Dining)

**Space Leases ...**

50+ High end Retail Lease Units - Level I  
(Location - Convention & Trade Center)  
(2 levels - 540,000 sq. ft. of Retail Lease Space)

Misc. Shapes - 215,100 sq. ft. - Level I  
Misc. Shapes - 324,900 sq. ft. - Level II  
• 215,100 square-foot total - Level I

(All have interior entry, 18 have exterior entry)  
Level II - 62 Units, Retail & Professional Services  
(Sq. ft. does not include Level II)

**Misc. Sampling of leased space uses**

- Wine, Cheese & Deli Shop ...
- Cones - Ice Cream Shop ...
- Do Wop Diner ...
- Photography & Video Studio ...
- Rumble Seats Coffee Shop ...
- Showcase Int'l Travel Agency ...
- Beauty Shop, Nail Salon & Barber Shop ...
- Tanning Salon, Health Spa & Gym ...

(Retail Lease Space has 37 dining venues factored in, using approximately 73,500 sq. ft. of available space)

30' x 60' - 1,800 sq. ft. - 24 seats - Level I  
30' x 30' - 900 sq. ft. - 60 seats - Level I  
Misc. Shape - 9,000 sq. ft. - 350 seats - Level I  
30' x 60' - 1,800 sq. ft. - Level II  
Misc. Shape - 18,800 sq. ft. - 350 seats - Level I  
30' x 30' - 900 sq. ft. - Level II  
30' x 60' - 1,800 sq. ft. - 24 seats - Level II  
30' x 60' - 1,800 sq. ft. - Level II

(Watersmeet Atrium, 24-hours, Int'l selection)  
(Evergreen Atrium, Old-fashioned 1900's Soda Shop,  
(Evergreen Atrium, 1980s revisited, Food, Music)  
(Grand Atrium, one-hour full-service, film, etc.)  
(Watersmeet Atrium, 24-hours, American food, etc.)  
(Evergreen Atrium, full-service, worldwide access)  
(Evergreen Atrium, full-service, one-stop Hair Care)  
(Evergreen Atrium, full-service Health Club, etc.)

**Misc. Areas of space use include:**

Levels I, II & III are utilized through our unique designs - suggested Convention Center size is 1,240,300 sq. ft., this can be feasibly increased to a maximum size of 1,473,585 sq. ft. for maximum efficiency and benefits. This can easily be accomplished with slight revisions, including the removal of the Tiar Theater (as a stand alone structure and operation) to a separate location in Southpark™. Keep in mind a lot of the areas listed below overlap in terms of space use and operations.

- Meeting & Conference Rooms
- Professional Offices & Skywalk
- Public Dining Areas & Concessions
- Employee Dining Areas & Wardrobe
- Customer Service, Shops & Stores
- Lobby Areas & Service Areas
- Hallways, Tunnels & Runways
- Comfort Stations & Restrooms
- Cashiers, Tickets & Security
- Medical Clinic & Child Day Care
- Shipping & Receiving
- Kitchens & Catering
- Banquet Facilities & Work Areas
- Storage & Supply Rooms
- Administration & Maintenance
- Transportation Stops & Prop Dept.
- Production Studios & Dressing Rooms
- Employee Lounge Areas & Staging
- Showrooms & Displays
- Utility & Common Areas
- Mobile Services Area



- Cleaning Crews & Trash Removal
- Vending & Amusement Machines
- ATMs & Phone Services
- Information Areas & Golf Cart Area
- Traveling Displays & Signage
- Interior Artwork & Decor
- Communications & Personnel
- Promotions, Marketing & Advertising
- Landscaping, Utilities & Out-buildings
- Support Services & Parking Lots,
- Parking Garage, Helipad & Parks
- Emergency Power System
- Limousine Service & Financial
- Area Civil Defense Shelter
- Street Performers & Entertainment
- Attractions & Corporate Sponsors
- Employee Training & Print Shop
- Emergency Services & Charity
- Insurance, Benefits & Credit Union
- Codes, Inventory & Inspections
- Policies & Procedures, etc.

Please keep in mind that a lot of the space use areas, their projected sizes and their locations overlap each other in a few different areas ... but it all fits.

... this may seem like a lot of extra uses to try and fit into the Showcase Int'l Convention & Trade Center, but all of pieces are critical elements that necessary to our efforts, in achieving ultimate success, in the Showcase Branson-Project™ operation ... as well as, reinforcing the public image we portray, as the first of many successful Showcase Int'l Adventure Parks™ systems ... An image that sets us apart, ultimately defining our unique position in Int'l Park Systems, "As the Best of the Best."

"Showcase ... We've Got It All!"

• Details are available on these miscellaneous space uses from the Showcase Branson Project™ Developer. And subject to change, all rights reserved.

- **Evergreen Mountain™ Championship Mountain Golf Course** - 35 Holes, Pro Shop, Driving Range, Miniature Golf Courses, Lounge, Locker Room, Sauna, Gym, PGA Design, Restaurant, GIS Carts, etc. Expansion possible. Celebrity Signature Course. MLC 100%
- **Evergreen Country Club** - 2 Restaurants at 300 seats each (Leora's is 5-Star Dining & The Evergreen Room (more casual)), Club Rooms, Lounge, Billiards, Meeting Space, Memberships, etc. MLC 100%
- **The Lodges At Evergreen** - secure, master-planned community of 15 lodges with 350 Condominium Homes, Private Investment, joint venture with MLC. Nightly Rental Programs, Special Packages & Time Shares. MLC 100%
- **Grand Lodge & Int'l Resort** - Mega-Resort 1,000 luxury Rooms & Suites, possible arrangement with an International Hotelier; Lease arrangement. (Commercial lease; minimum of 25 years using an Int'l Company, lessee provides total build-out & operations). MLC 100%
- **Tlata Theater™** - 20,000 seats, 12 entertainers per year (possibilities include: i.e. Garth Brooks, Tina Turner; Reba McEntyre, Harry Connick, Jr.; etc.). Over 3.5-million college students are within a 6-hour drive of Branson (untapped market, that ties in with virtual reality theme park). (Lease) MLC 100%
- **Theaters (8)** - With different venues (all designed primarily for live performances, with a wide range of seating sizes); these Theaters are all located in the main complex building, there are other Theaters in Southpark™ including on The Boardwalk, all listed out in the "Showcase Branson-Project" Report,™ with projected seating requirements MLC 100%
- **Int'l Free Trade Zone Shops** - Duty-free stores, selling tax-exempt items (i.e., liquor, chocolate, tobacco products, etc.); Strategically placed throughout Southpark™ facility. MLC 100%
- **Flashbacks Nightclub** - Mega-Nightclub development on the waterfront, by Theme Park. MLC 100%
- **Bear Creek** - Gated, High-end Residential Community, 268 luxury 3-4 Bedroom units. MLC 100%
- **Ojibwa Waterfront Restaurant** - Exclusive Dining & Supper Club, Tribal Venture. MLC 20% • TENANT 80%
- **Evergreen Yacht Club & Marina** - Boat and equipment rentals; fuel, bait; services; groceries; gifts; guides; fishing gear; nightly dock space rental for Houseboats, Sailboats & Watercraft; dockside "Chef's ... Dine-In Boat" Service, with Boat Hopaf, Marina Mechanic & Tow Service, Water Patrol dock, ambulance, swim dock & slide; etc. 2<sup>nd</sup> Marina to be phased in as Beach House Marina, also on the Boardwalk, same terms. (lease) MLC 100%
- **Showcase Amphitheater** - All outdoors, seats 20,000 initially, expansion calls for a total of 60,000 seats (includes lawn seating capacity); Built in phases. 180 day season, open minimum of 80 to 120 days per year, generating \$40-million a year. Private investment, joint venture package with MLC. Proposed partners: Sony Entertainment, Blockbuster Audio & Pace Entertainment. MLC 100%
- **Showcase Auto Collection** - A World-class Car Museum, of 550 cars (possible Kruse Int'l &/or Barrett-Jackson Annual Collector Car Auction on site); Annual Branson Int'l Road Rally. All cars are for sale, on consignment; Ever-changing collection; Memorabilia; Transportation Exhibits; 2 Specialty Theaters; Interactive Displays; Car Club Meeting Room; Virtual Reality Attractions; Nostalgic & Tasteful Display Settings; Tours; Car Shows; Collector Services; Traveling Displays; Automotive Research Library; etc. Private investment, joint venture package with Robert W. Plaster (50%) and KPI, Inc. (50%). MLC 100%
- **Auto Doc Service Center™** - Service Center in the Convention Center, is located adjacent to the Showcase Auto Collection. Specializing in "quick repairs" on Collector Cars (not a Restoration Shop) along with, Attention To Detail Shop (Custom Auto Clean-up & Show Detailing). Open 24-hours, year-round, full service, parts locator services; Restoration Shop Referrals; etc. Private investment, joint venture package with MLC. MLC 100%
- **Movie Studio & Adventure Theme Park ...** (proposed tenant is Wayne Hulzeinga Investments of Blockbuster Video fame) ... They would lease this site, do all of the build-out and operate the Movie Studio Theme Park. Terms: Lease payment, 10% ownership of the Movie Studio Theme Park project & 5% of Gross Income. MLC 100%
- **Branson Airpark ...** same terms as above (runways are 5,000 feet long, capable of handling smaller planes and charter service, includes Airpark Museum (50+ planes); UFO Museum; Air Shows, Military Memorial, Dining; Nightlife; Schools; Attractions; Shopping & more (other private leasing operations are included within the Airpark - same terms and revenue distribution apply as with the Movie Studio Park above). Scaled down version in Phase I. MLC retains 10% ownership & 6% of Gross. MLC 100%
- **Paradise Island Waterpark ...** 65 acres of pure watered-down fun, full-size Waterpark. Loaded with all the bells and whistles. Lease with special terms. MLC retains 10% ownership & 6% of Gross. MLC 100%
- **Speedway Industrial Park ...** 60 acres of small industrial and manufacturing operations, an economic development business incubator - full of individual leases, approximately 24 separate business operations. MLC retains 10% ownership in each new company. MLC 100%
- **Showcase Medical Research & Development Park ...** 100 acres of small industrial and manufacturing operations, an economic development business incubator - full of individual leases, approximately 40 separate business operations. MLC has special terms with each individual business. MLC 100%
- **Beacon Theater™** - The world's only multi-media business theater; a new concept that can easily be franchised world-wide; private investment, joint venture package with MLC, several major Software Developers and a major Int'l Telecommunications Provider. Same lease terms. MLC 100%
- **Horsepark, All American Arena, Western & Indian Rodeo, Ghost Town & Dude Ranch ...** (Tribal Venture) Special leasing terms on each individual economic enterprise. MLC 100%

(Extracted from Def. Exh. M-J)

# BRANSON

r 28

Friday, June 11, 1999

## Tribe 'showcases' plans for theme park

*Protesters picket announcement ceremony - say no gaming, no development*

by PAM SOETAERT  
SCG Editor

A multi-faceted theme park is headed for Stone County. With a Native American venue for the announcement members of the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan (LVD) announced their intentions Wednesday.

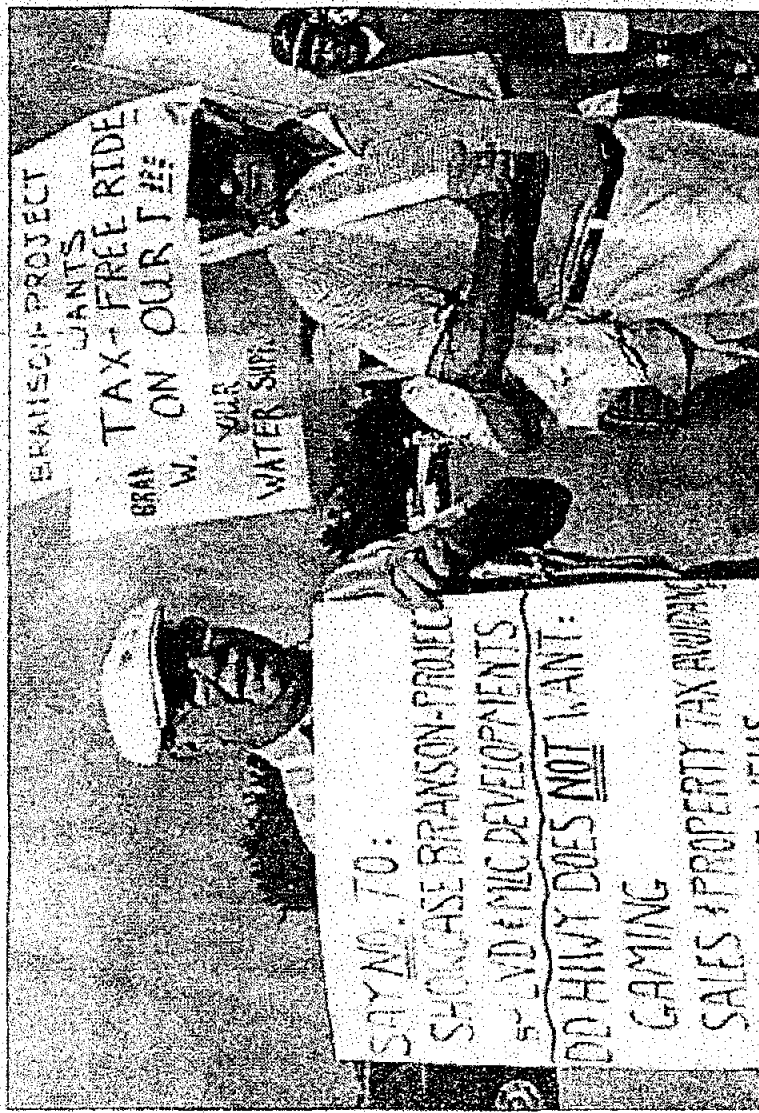
The Showcase Branson-Project™ is a multi-phased project which includes a convention center, a Native American Theme Park, roller coasters, water rides, a movie studio set, and other attractions with no gaming of any type. These are the two phases of the park that LVD will participate in.

"There will be no gaming with this project," Mike Hazen said. "We are looking for economic diversity for our tribe. Although we are still in the infant stages of this project, we expect to be a good neighbor." Hazen is a council member and

the chief of police for the LVD. "We looked at the area and thought a creative project would be an accent for the Branson community. Jobs are needed and we hope to be able to bring them."

Nine years in the making, the first phase of the project includes a convention center with more than one million square feet on one level located on the DD Highway peninsula. The cornerstone of the project is the convention and trade center. Plans call for it to include retail shopping, dining, music shows, television and recording studios. This part of the project will incorporate about 570 acres.

The LVD is just one aspect in a group that plans to build the project. Robert W. Plaster, along with Glenn E. Merritt, and Michael Carney are the key Missourians in the project. Delores Williams is the See Park, Page 22



OPPOSED -- Residents of the DD Highway area and others protested the proposed Showcase Branson™ theme park while the LVD made their announcement in Kimberling City Wednesday. Pictured carrying the "say no" sign is Ed Hack.

## Airmort feasibility firm hired

## se project

ood Estates on the penin-  
as one of the protesters

ought traffic for 37 years,"  
said. "I don't want to do  
y more."

ly Clark doesn't live in the  
highway area, but she  
s the project too. She was  
on the picket line  
sday. Hers is a religious  
ion.

Southern Baptist and I'm  
d to the project because of  
ning," Clark said. "I sup-  
ontier Town even though  
re supported by gaming  
That is different. This  
is gaming plain and sim-

berling City mayor Betty  
wich opposes the project  
spite her one fourth  
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of her concerns is that  
erling City will lose con-  
part is its incorporated  
that land is sold to the  
wa Nation."

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gambling," Kowalewich  
Missouri already has casi-  
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## ys show me

e all phases of the project.  
D project 3 million visitors  
to the project.

project will bring a  
benefit," Larry McGriff  
eGriff owns Lakefront  
nd Campground on Table



**DANCING** - As part of the announcement for the Showcase Branson-Project™ entertainment was provided by a Native American Dancer and drummer.

## •Park

human resources director for the  
LVD. She says the tribe knows  
that gambling is not the answer.

"We are looking to the future.  
Seven generations from now  
what will our children and our  
children's children be doing,"  
she said. "We know gambling is  
not the answer. Diversification  
is what we are looking for."

When completed, the project  
is expected to have an economic  
impact in the area as well.  
Besides creating another reason  
to visit the Ozarks, the  
Showcase Branson-Project™  
could bring over 2,500 new jobs

Native American ventures are  
the best business partners. They  
are politically stable, they have  
creative ideas, and they are will-  
ing to look at new ventures."

Evans said that other busi-  
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and theme park.

"There are enough hotels and  
motels, 50,000 in the area, to  
accommodate a convention cen-  
ter of this size," he said. "People  
may be worried about the infra-  
structure. Something needs to  
be done about DD Highway  
whether we come here or not. If

## Infant CPR class offered

If you have an infant in yo  
household, it's very important  
know how to handle an eme-  
gency situation where the child  
breathing or circulation may  
be threatened.

Parents, grandparents and ot  
ers are invited to attend a fr  
American Heart Association  
Infant Basic Life Support/CPR  
class on June 21. The class w  
be taught from 6 p.m. to 9 p.m.  
by personal from the Communi  
Wellness Department at Skagi  
Community Health Center  
Branson.

## Bookmobile

Stone County Librar  
Bookmobile Schedule for th  
month of June is as follows:

June 16, Ponce de Leon, 1  
a.m.; Jamesville Commun  
Building, 11:15

June 18, Kimberling City, 1  
a.m.; Reeds Spring Town, 2:4  
p.m.; Reeds Spring Senic  
Citizen Apartments, 3:20 p.m.

June 22, Crane School, 9-3  
a.m.

Continued from Page 1

Contracts would be "work  
out" with various entities for fire  
protection, law enforcement  
and other criteria for the project

The paper work for reserva-  
tion status is being readied. Bu  
the project will go ahead even i  
that is not granted, he said.

"The tribe is ready to give up  
their sovereign rights to assure  
the people of Stone County, and  
Missouri, that there will be no  
gambling," Evans said. "If that  
is not enough the governor  
would have to give his ok in  
order for that to occur."

Federal law requires that any

# •Park

Continued from Page 1

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is. this loss to the county as indicated that they willing to "donate" minimum to the county project is up and running. with the county and s for police and fire are also part of the be addressed.

Heithaus with Engineering in Springfield, is the the project. They will the water system and treatment plants. The al impact statement is s' he said.

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## an' ented

human resources director for the LVD. She says the tribe knows that gambling is not the answer. "We are looking to the future. Seven generations from now what will our children and our children's children be doing," she said. "We know gambling is not the answer. Diversification is what we are looking for"

When completed, the project is expected to have an economic impact in the area as well. Besides creating another reason to visit the Ozarks, the Showcase Branson Project™ could bring over 2,500 new jobs to the area.

When completed the project- ed economic impact minimum is over \$2,848,000 in state income tax and over \$9,968,000 in federal income taxes annually.

The county will not loose out either. Non-natives will still pay state and local sales taxes, according to Dan Evans the legal council for the LVD.

"There are some other business benefits for those involved," he said. "Accelerated federal depreciation is one.

Native American ventures are the best business partners. They are politically stable, they have creative ideas, and they are willing to look at new ventures."

Evans said that other businesses in the area will also benefit from the convention center and theme park.

"There are enough hotels and motels, 50,000 in the area. to accommodate a convention center of this size," he said. "People may be worried about the infrastructure. Something needs to be done about DD Highway whether we come here or not. If we are here maybe we can help make that happen."

Demographics that Evans quoted estimate that convention- eers spend about \$186 dollars per day while families average \$17 to \$18 per person.

If reservation status is granted the property in question would come off the county property tax rolls. However, like the federal forest land that surrounds the Ozarks, "payments in lieu of taxes" would be made to the county. How much that would be remains to be seen.

Contracts would be "worked out" with various entities for fire protection, law enforcement, and other criteria for the project.

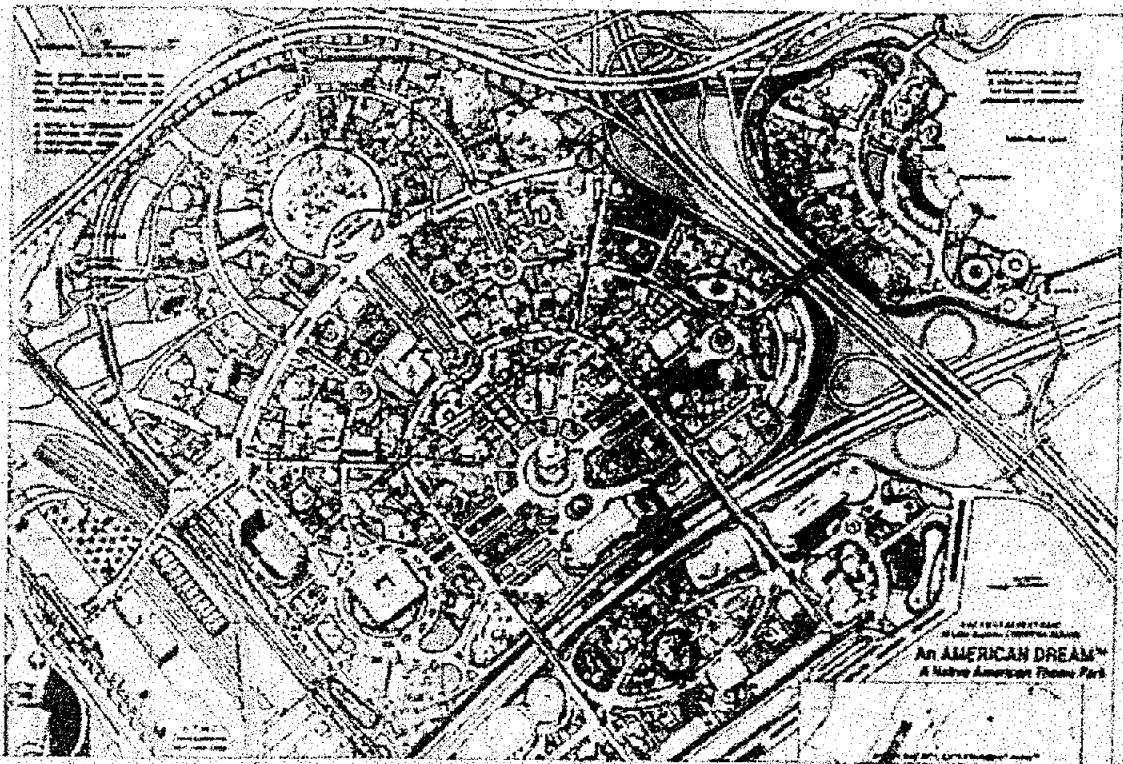
The paper work for reservation status is being readied. But the project will go ahead even if that is not granted, he said.

"The tribe is ready to give up their sovereign rights to assure the people of Stone County, and Missouri, that there will be no gambling," Evans said. "If that is not enough the governor would have to give his ok in order for that to occur."

Federal law requires that any "reservation land" acquired after Oct. 19, 1988 must have the governors approval before any type of gaming activities would take place.

Once the final phase of the project is completed they project 3 million visitors annually- to the project. Construction schedules indicate that all phases of the project will be completed in ten years.

"This is a chance for Stone County to benefit from the American Dream," he concluded.



PLANNED ATTRACTION -- A Native American theme park, An American Dream, is part of the Showcase Branson Project™, supported by the LVD. The project could create...

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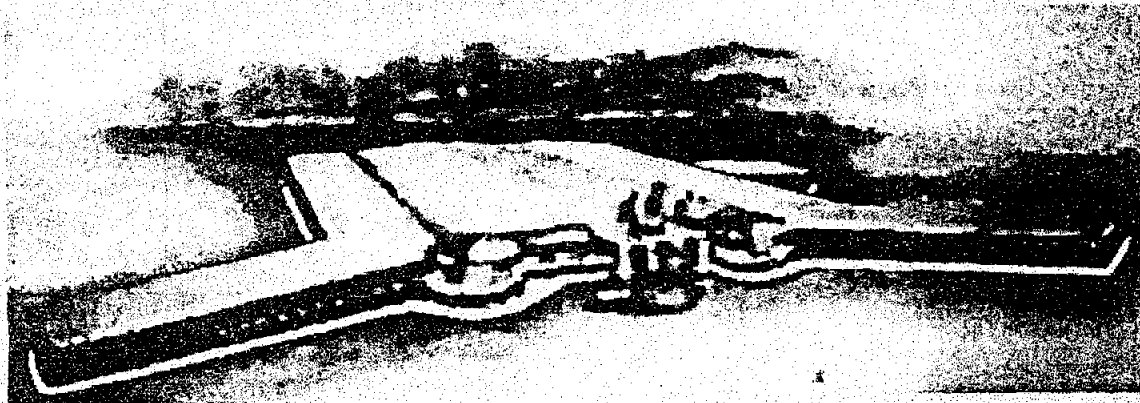
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**PLANNED ATTRACTION** -- A Native American theme park, An American Dream, is part of the Showcase Branson-Project™ supported by the LVD. The project could receive "reservation status." Pictured is the engineers design for the proposed park.



**CONVENTION CENTER** -- Above is the artist rendition of the proposed convention center for the Showcase Branson-Project™. The convention center will be located on DD Highway in Stone County.

# an' ented

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officers are: Regent,  
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n Committee will  
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1 Next witness.

2 MR. KACZOR: Your Honor, we'd like to call Mr.  
3 Williams to the stand. He's here now and out in the hall.

4 RICHARD J. WILLIAMS,

5 A witness called at 1:50 p.m. by Defendant Janet  
6 Marcusse, sworn by the Court, testified:

7 DIRECT EXAMINATION

8 BY MR. KACZOR:

9 Q Would you give us your complete name and spell your last  
10 name for us, please?

11 A Richard Joseph Williams. Williams, W-i-l-l-i-a-m-s.

12 Q Thank you, Mr. Williams. Mr. Williams, my name is Dave  
13 Kaczor and I'm assisting Mrs. Marcusse. I don't think you and  
14 I have ever met, but we've talked a couple times on the phone;  
15 is that right?

16 A Yes.

17 Q Now, you flew down just today from the Upper Peninsula to  
18 testify; is that correct?

19 A Yes.

20 Q Well, thank you very much for coming down. Let me ask  
21 you a little bit about -- and please forgive me for  
22 mispronouncing this -- the Lac Vieux Desert Band of Lake  
23 Superior Chippewas.

24 A Well, that's not too bad.

25 Q Is that pretty good?

1 a convention center. There was just so many other -- you  
2 know, ATM machines. It was just a project that was so huge  
3 that had so many entities that we didn't need to have that.  
4 Actually we were after the ability to create a reservation.

5 Q Okay. Now, you mentioned Michael Carney. Were there  
6 other individuals that you became aware were involved with the  
7 Branson Project?

8 A The one man I remember was a fellow by the name of Bob  
9 Plaster. There were probably other ones too, but years, you  
10 know, it's been years since I've been involved even as a  
11 tribal chairman or tribal leader. I don't presently hold a  
12 position on the council.

13 Q Do you know what his role in the Branson Project was?

14 A I think Bob Plaster's role as it was presented to myself  
15 and my community, because he did attend a community meeting  
16 with Lac Vieux Desert people, it was to show us that the  
17 opportunity was there, that here was a man who had the  
18 connections to make our dreams come true as far as creating a  
19 reservation. He had -- I understood that he had a lot of  
20 connections like Congress or Senator Ashcroft, you know,  
21 things like that, people in high places, so --

22 Q Did he appear to be an active participant in the Branson  
23 Project?

24 A Through what I seen of Mr. Plaster, other than him  
25 wishing us well, I don't think he was as active as Mike Carney

1 was.

2 Q Okay.

3 A Mike was really active, and there's probably other people  
4 that were real active also.

5 Q Okay. I think you indicated Mr. Plaster came to  
6 Watersmeet on one occasion; is that correct?

7 A Yes, he did.

8 Q And maybe I should ask you, how many times did you meet  
9 Mr. Plaster?

10 A I think I met him on two different occasions, once in  
11 Branson, and that was just briefly because he was in and out.  
12 He is a very busy man, I understand. But the visit in  
13 Watersmeet was -- and that still was brief also. That  
14 probably was a couple hours.

15 Q Did it appear that he willingly lent his name to the  
16 Branson Project?

17 A As far as I was concerned, yes.

18 Q Mr. Williams, I'm going to show you what's been marked  
19 as Marcusse proposed Exhibit N and ask you if you could  
20 identify what it is and who's in it?

21 A It's Mr. Plaster and myself when I was the chairman.

22 Q That's a picture that Mr. Plaster had taken or that was  
23 taken when he was in Watersmeet with you?

24 A Right. That was in our Tribal Center, yes.

25 Q Okay. So you recognize yourself in the picture?

1 Q Let me show you what's been marked as Marcusse Exhibit O,  
2 see if you can recognize that letter.

3 A Yeah, this is the letter that I wrote to the governor,  
4 yes.

5 Q That's a letter that you wrote on behalf of the Tribe?

6 A Yes.

7 MR. KACZOR: I'd move for the admission of Exhibit  
8 O, Your Honor.

9 MR. GEZON: No objection, Your Honor.

10 THE COURT: Received.

11 MR. KACZOR: Thank you, Your Honor.

12 BY MR. KACZOR:

13 Q Let me ask you if you could, could you just read the  
14 first paragraph out loud, please?

15 A "Dear Governor Carnahan: The purpose of this letter is  
16 to express our intent to team up with MLC Development  
17 International, Inc., Mr. Michael Carney and Mr. Robert  
18 Plaster, principals, on the development of a theme park and  
19 convention center project in the Branson, Missouri area. To  
20 reiterate what I have stressed in various news interviews, we  
21 have no plans to incorporate gaming into the scope of our  
22 development, nor do our partners. We feel that the benefits  
23 and potential profits from this project without gaming merit  
24 our involvement as we strive for tribal economic  
25 diversification. I should point out that the Tribe still

1 newspaper articles or television?

2 A I had visited Michael after not being elected on one  
3 other occasion and that's when he shared a lot of that  
4 information with me, a lot of news articles, a lot of -- you  
5 know, the administration that came in didn't believe in the  
6 project as much as I did, and so consequently they kind of  
7 moved themselves away from it. I could never convince them  
8 that it was -- you know, it would be a great thing for us to  
9 do.

10 Q When you were the tribal chairman, did there come a time  
11 that you went to Washington, D.C. on behalf of the Tribe?

12 A I went to Washington, D.C. I believe on three different  
13 occasions and I lobbied for the Branson Project along with  
14 other things that I was doing. I mixed the tribal interest  
15 and the Branson Project also.

16 Q Okay. But three separate times on behalf of at least in  
17 part --

18 A Where I mentioned the Branson Project, yes.

19 Q Okay. Do you remember when those times were?

20 A No. I remember going to Ashcroft's office. There was  
21 another gentleman from Missouri that I -- you only get to see  
22 the aides. You never get to see the real people. So it would  
23 be just their offices that I visited and spoke on behalf of  
24 the project.

25 Q Okay. Did Mr. Plaster go with you either of the three

1 times that you went to Washington?

2 A No.

3 Q Was it your understanding that Mr. Plaster had some sort  
4 of a relationship or friendship with Mr. Ashcroft?

5 A That's what -- yeah, that's why that meeting in  
6 Watersmeet was so important to myself and the people of the  
7 Tribe.

8 Q Why was that? Why was the meeting important to you?

9 A Because he was the one that could -- you know, with his  
10 name on the list, it was kind of assured that we had a chance  
11 at this thing.

12 Q When you say his name, you mean Mr. Plaster's name?

13 A Yes.

14 Q Okay. And you understood that he had a friendship  
15 with -- that he knew Mr. Ashcroft?

16 A That he knew a lot of people, not just Mr. Ashcroft.

17 Q Okay. A lot of influential people?

18 A Yes.

19 Q So it was important to you as a tribal chairman to have  
20 him affiliated with the project?

21 A Right.

22 Q Okay. Let me ask you, on those trips I think you've  
23 indicated Mr. Plaster didn't go. Did Mr. Carney go with you?

24 A Mr. Carney got there one time with me.

25 Q Okay. Do you know Jan Marcusse standing to my left? Do

1 of experience dealing with tribes and how to deal with the  
2 government and that it's a very complex system, correct?

3 A Correct.

4 Q And at least what I'm learning here is it's actually a  
5 very difficult thing to be able to do, correct?

6 A Correct.

7 Q And yet with that education that you already have, you  
8 still believed that this was a possibility, correct?

9 A Yes.

10 Q So for an average person, let's say a lay person that has  
11 no Indian background, has never been a tribal chief, if  
12 they're presented this information, to that person do you  
13 believe that would look extremely good, then?

14 A Yes, it would.

15 DEFENDANT VISSER: Thank you very much.

16 THE COURT: Thank you.

17 Redirect examination?

18 MR. KACZOR: If I could, I just have two questions.  
19 Could I do them from here?

20 REDIRECT EXAMINATION

21 BY MR. KACZOR:

22 Q I was just curious. We talked about the Tribe's interest  
23 in the land and that was going to be bought from Mr. Carney.  
24 How big was that land? How many acres of land was that?

25 A It had -- it was like I want to say 6,000 or maybe 600

1 acres. It was quite a bit. It had to hold a convention  
2 center, a theme park, hotels, restaurants. It had to hold a  
3 lot of stuff, you know, so it had to be quite huge. I really  
4 don't remember how much land Mr. Plaster was willing to part  
5 with.

6 MR. KACZOR: Okay. Thank you very much. That's  
7 all I have, Your Honor.

8 THE COURT: Anything else?

9 MR. VALENTINE: Mr. Flynn has indicated he would  
10 like me to ask a question on recross.

11 THE COURT: Okay. Recross?

12 MR. VALENTINE: Recross.

13 RECCROSS-EXAMINATION

14 BY MR. VALENTINE:

15 Q Speaking of the land and the use that it would be put to,  
16 the Lac Vieux Desert Band of Indians were the -- what would  
17 you call it, then, the main owners, and were there plans for  
18 other tribes to lease parts of that land?

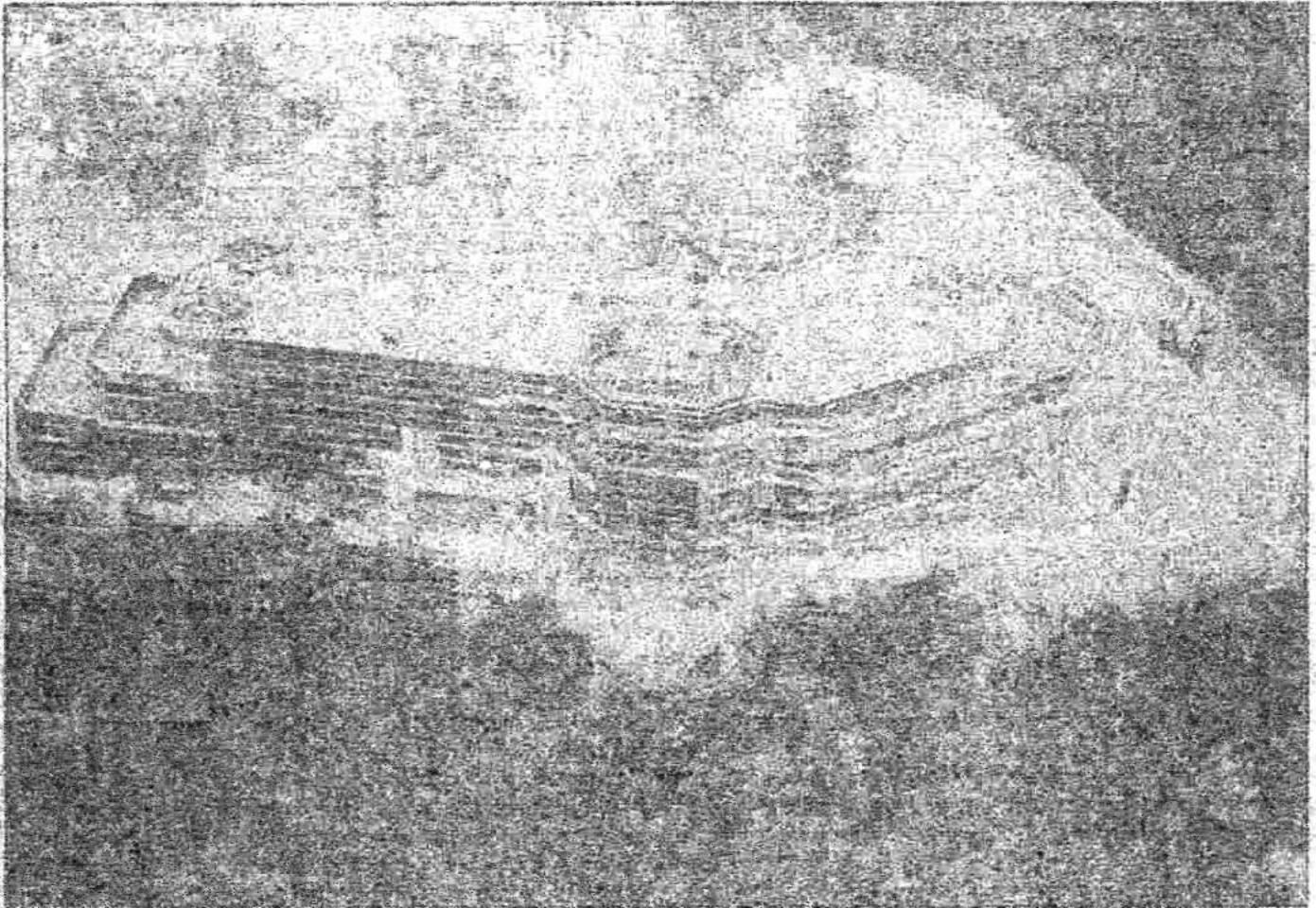
19 A I recall offering the opportunity for the golf course to  
20 the Puyutes of Las Vegas. Their only objection to coming on  
21 board would be that we would own it until I told them no, you  
22 would own it, it would be your business, it would be your  
23 profits. Then they got excited about the Branson Project.

24 MR. VALENTINE: Okay. Thank you.

25 THE COURT: Anything else on recross?



## \$6 MILLION MANSION



Site of the \$6 million mansion.

The Robert Plaster home on Table Rock Lake is built on five levels and covers 28,000 square feet.

# Ozarker builds state's costliest house

By Sara B. Hansen

The News-Press

Ever see the Table Rock Lake Embury City Chamber of Commerce receive calls asking when the new hotel at the lake will open?

But the five-level, 28,000-square-foot glass and marble structure won't ever open to the public.

It's a private home and corporate retreat owned by Robert Plaster, founder and chief executive officer of Empire Gas, the Stone County Astoria's office said last week.

With a construction price tag of about \$6 million — almost 100 times the value of the average Missouri home — it's apparently the most expensive home ever built in Missouri.

The building has an 8,000-square-foot garage with space for 14 cars; it includes four offices, 12 guest suites and two master-bed-

room suites, said the project's architect, Dennis Spencer.

Called the Evergreen Crystal Palace by Spencer — the Plaster a "monument to himself" by some Stone County residents — the home sits on a rocky bluff 300 feet above Table Rock Lake near Kimberling City, Stone County.

Stone County Assessor Allan Bertram said the house is listed in his reports as being owned by Robert Plaster Trust.

Repeated efforts to reach Plaster for comment for this story were



Plaster

Please see PLASTER/Page 7A

## Palace shines with glass, marble

Architect Dennis Spencer said the Evergreen Crystal Palace is unlike anything else he's designed.

The five-level structure on a bluff overlooking Table Rock Lake appears similar to the Empire Bank Building at 3300 N. National Ave. which Spencer also designed. Both buildings look fine and are about the same size.

But the \$6 million, 28,000-square-foot Empire Bank building is covered in metallic panels. The \$6 million Crystal Palace's exterior is mostly glass, its 28,000-square-foot interior features green glass, green marble and brass tile.

Crystal Palace highlights:

- 5,000-square-foot garage with parking space for 14 cars.
- National landing pad.
- Activity room with television, pool table and card table.
- Fossil range.

- Outdoor swimming pool and health spa.
- Co-ed spa, hot tub, steam.
- Two master bedrooms, office and 12 guest suites.
- Owners lounge and bar/parlor.

- Apartment fountain.
- Corporate office for Plaster, and three similar adjacent offices.
- Elevator.
- Green marble hallways.

— Sara B. Hansen

Empire paid Plaster \$680,000 in salary, bonuses and fringe benefits in 1988, according to a 1988 Empire Gas Corporation annual report filed with the Securities and Exchange Commission in Washington, D.C. His benefits included use of the company's jet and a new car.

In 1989, the per capita income in Stone County was \$11,716. In Taney County the 1988 per capita income was \$12,713, Davis said.

Empire's primary business is the retail distribution of propane through 273 wholly owned subsidiaries in 27 states. The company provided propane to approximately 200,000 customers in 1988. The company had \$105 million in operating revenues in 1988.

### House off limits

People who are curious about the building must be content with gazing at it from Table Rock Lake. Access to the property off Stone County DD is controlled by armed security guards.

The guards are needed, said Bill Killian, executive vice president of Killian Construction, which is building the retreat. Before the guards started work, dozens of curious people roamed the site.

"They were worried it could be a liability problem there on the bluff," Killian said. "We didn't want anyone to get hurt and we wanted to prevent any pilferage off the site."

Despite rumors that Plaster got special treatment from the U.S. Army Corps of Engineers to put a dock at his property, Kenneth Foersterling, park manager for Table Rock Lake, said Plaster was not given permission to build a new dock.

New docks are not allowed on the lake because of corps rules.

Plaster purchased an existing five-slip boat dock and moved it, which is legal, Foersterling said.

The corps is pleased the Crystal Palace is being built, he said.

"It shows that Table Rock is a desirable place to develop," he said. "When you have a quality development come in, it tends to draw others."

**Lac Vieux Desert Band of Lake Superior Chippewa Tribal Government**

P.O. Box 249, Choate Road • Watersmeet, Michigan 49969  
906-358-4577 • Fax: 906-358-4785

**Executive Officers:**

Richard Williams, Tribal Chairman  
James Williams Jr., Vice Chairman  
Harvey White Jr., Treasurer  
Rose Fete, Secretary

**Council Members:**

Helen Smith  
Delores Williams  
Michael Hazen Sr.  
John McCashick Jr.  
Tyrone McCashick

**RESOLUTION NO. 99-036**

**WHEREAS,** the Lac Vieux Desert Band of Lake Superior Chippewa Indians is a federally recognized Tribe of Indians pursuant to Public Law 100-420; and,

**WHEREAS,** pursuant to Article IV, Section (f) of the Lac Vieux Desert Tribal Constitution the Tribal Council is empowered "to manage the economic affairs, enterprises, property, both real and personal, and other interests of the Band"; and,

**WHEREAS,** the Band is currently involved in a development project in the Branson, Missouri area (hereinafter referred to as the "Showcase Branson-Project") which the Tribal Council believes to be in the best interest of the Band; and,

**WHEREAS,** because it is the intent of the Band that the entire "Showcase Branson-Project" not include as any part of this development any gaming enterprise, the Tribal Council formally resolves to expressly state this intent by virtue of this Resolution as long as Non-Native American developers do not develop gaming enterprise(s) in the Branson, Missouri area.

**NOW THEREFORE, BE IT RESOLVED:** That the Lac Vieux Desert Tribal Council hereby expressly and formally resolves that the "Showcase Branson-Project" will not include as any part of this development any gaming enterprise as long as Non-Native American developers do not develop gaming enterprise(s) in the Branson, Missouri area.

**CERTIFICATION**

I, the undersigned, as Secretary of the Lac Vieux Desert Band of Lake Superior Chippewa Indians Tribal Council, a Tribal Government operating under a Constitution adopted pursuant to Section 16 of the Indian Reorganization Act 25 U.S.C. 1300-h, do hereby certify that the Tribal Council of the band is composed of 9 members of whom 8, constituting a quorum were present at a meeting duly called, noticed, convened and held on the 3rd day of August, 1999, and that the foregoing Resolution No. 99-036 was duly adopted at said meeting by an

affirmative vote of 7 in favor, 0 opposed, and 0 abstaining, and that the said resolution has not been rescinded or amended in any way.

Richard Williams  
Richard Williams, Tribal Chairman

Rose Pete  
Rose Pete, Tribal Council Secretary

**Lac Vieux Desert Band of Lake Superior Chippewa Tribal Government**

P.O. Box 249, Choate Road - Watersmeet, Michigan 49969  
906-358-4577 • Fax: 906-358-4785

**Executive Officers:**

John C. McGeshick, Sr., Tribal Chairman  
Richard McGeshick, Sr., Vice Chairman  
Rose Williams, Secretary  
Harvey White, Treasurer

**Council Members:**

John C. McGeshick, Jr.  
James Williams, Jr.  
Michael Hazen, Sr.  
Dolores Williams  
Helen Smith

September 7, 1999

Bureau of Indian Affairs  
U.S. Department of Interior  
Larry Morin, Area Director  
881 South 2nd Avenue  
Minneapolis, MN 55401-2241

Dear Director Morin:

Please be advised that it is our intent to apply for and establish Reservation status on land located within Stone County, Missouri, (Branson, MO area) composed of approximately 5,800 acres.

Reservation status is required in order to proceed with an economic development opportunity that will provide enormous benefits to the entire Tribe. This economic venture is known as the Showcase Branson Project. It consists of the development, construction, and operation of a major convention and trade center, a Native American Theme Park, and a wide variety of other entertainment attractions and ancillary support services.

We are informing the BIA of this business enterprise for the express purpose of receiving guidance in our application process. Since we do not intend to introduce or participate in any Indian Gaming on the Missouri Reservation, we will apply directly for reservation status. It is our intention, however, that if Missouri should pass laws that would allow for gaming at our Missouri location that the Tribe would retain the right to apply for a gaming license under state law just as any other citizen or entity.

We understand from our review of case law that there is no set procedure for achieving Reservation status. Evidently, all that is necessary is that the area be set aside for the use and occupancy of the Tribe under the superintendence of the federal

(Extracted from Def. Exh. M-J)

EXHIBIT S

**Lac Vieux Desert Band of Lake Superior Chippewa Tribal Government**

P.O. Box 249, Choate Road • Watersmeet, Michigan 49969  
906-358-4377 • Fax: 906-358-4785



*Executive Officers:*

John C. McGeshick, Sr., Tribal Chairman  
Richard McGeshick, Sr., Vice Chairman  
Rose Williams, Secretary  
Harvey White, Treasurer

*Council Members:*

John C. McGeshick, Jr.  
James Williams, Jr.  
Michael Hazeh, Sr.  
Delores Williams  
Helen Smith

government. While such status has been achieved by Executive Order and/or Secretarial Determination, we are unsure of the currently favored method. Please advise us as to the proper procedure to obtain Reservation Status for the Missouri land. We are presently in the process of preparing our application for Reservation Status. We look forward to hearing from you at your earliest convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Williams".

Richard Williams  
Tribal Chairman



DIRECTLY REFER TO.

## United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

MINNEAPOLIS AREA OFFICE  
BISHOP HENRY WHIPPLE FEDERAL BUILDING  
ONE FEDERAL DRIVE, ROOM 550  
FT. SNELLING, MN 55111

OCT 14 1999

Richard Williams, Tribal Chairman  
Lac Vieux Desert Band of Chippewa Indians  
P.O. Box 249, Choate Road  
Watersmeet, MI 49969

Dear Chairman Williams:

In response to your correspondence notifying us that the Lac Vieux Desert Band intends to seek reservation status for property located within Stone County, Missouri (Branson area) composing of approximately 5,800 acres, we wish to advise that a pre-requisite of a reservation proclamation is that the property has to be held in trust status.

In accordance with Sections 5 and 7 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 467) the Secretary of the Interior may proclaim new Indian reservations or add lands to existing reservations after title to such lands have been transferred to the United States in trust for a Indian Tribe.

For your information, we have enclosed a copy of a 1984 letter of instructions from the Deputy Assistant Secretary requiring notice to local governments of reservation proclamations. This would be in addition to the notice requirements of 25 C.F.R. 151 - Land Acquisitions.

If you have any other questions on this matter, please feel free to contact our Realty Officer, Shirley A. Van Aistine, at (612) 713-4400 Extension 1163.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ann".  
Regional Director

Enclosure:

(Extracted from Def. Exh. M-J)

EXHIBIT T



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245

IN REPLY REFER TO

Real Estate Services  
Acq. & Disp.

FEB 3 1954

Memorandum

To: All Area Directors  
Attention: Realty Officers

From: Deputy Assistant Secretary - Indian Affairs (Operations)

Subject: 30-day Notification Period for Section 7 Proclamations

Section 7 of the Act of June 16, 1934 (48 Stat. 984; 25 U.S.C. 467) provides that the Secretary of the Interior may proclaim new Indian reservations or add lands to existing reservations. As you are aware, this office reviews all tribal requests for adding land to a reservation and prepares the proclamation and a notice for submission to the Federal Register.

Recently, there has been great concern expressed to us by certain local governments that have Indian reservations within their political boundaries, and whose tribes are adding various tribal trust land to these respective reservations. As you know, unlike trust acquisitions, we have no regulations published which require that our agencies give proper notification to the local governments if tribal trust land is being added as part of the reservation. Some of these tribal lands have been taken in trust prior to our land acquisition regulations published in September 1950. Thus, local jurisdictions may not have been notified even during the fee to trust conversion process. Further, local governmental entities are unsure of the jurisdictional ramifications that such an action may have relative to taxation and zoning, etc.

In an effort to keep local governments apprised of federal actions affecting lands within their political borders and to hopefully allay any fears these governments may have when we proclaim trust lands as "reservation" lands, we are directing that you require the agencies under your administrative jurisdiction to submit to the local governments a 30-day notice alerting them that certain identifiable tribal trust land will either become a new Indian reservation or be made a part of an Indian reservation. The contents of the notice should remind the governing entity that such an action is simply an administrative function which is required before the tribe may take advantage of special federal assistance programs. In addition, such an action clarifies tribal jurisdiction over the trust property. Although this will be strictly a notification of an impending action requiring no comments, we are requesting that you should submit any and all remarks resulting from the notice with the proclamation package.



# Opposition forms to Showcase project

by PAM SOETAERT  
SCG Editor

About 30 people were walking in circles in the hot sun Wednesday. They were protesting the proposed Showcase Branson-Project™.

"They play by highly different rules," said Ed Hack. Hack lives on DD Highway where the proposed theme park and convention center are planned. "They don't play fair."

The they he is referring to is the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan (LVD).

Since its Federal recognition in 1991, the tribe has been actively involved in economic development projects, including an arts and crafts store, a casino and bingo parlor, all located in Michigan. The Showcase project is their first step towards diversification according to Mike Hazen. Hazen is a member of the tribal council and the chief of police for the tribe.

Mary Ryder of Eagle Ridge Estate has lived in the area for eight years. Her concerns are for the environment.

"I'm concerned what three million visitors will do to the area," Ryder said. "I just don't think the area and the roads can handle that many people."

David Trowbridge has recently moved to the area but is opposed to the project too.

"It will deplete our water

table, cause sewage problems, and create stress on our utilities," he said in a press release. He is the spokesperson for the Buck Run Estates, Inc. The 25 parcel subdivision is located south of the proposed project.

In a letter he has prepared he is urging residents to write their elected officials.

"The DD Highway peninsula is served by the two-lane Highway 13 and a narrow, winding two-lane DD road. We anticipate traffic during the summer months (if the project goes through) will be bumper-to-bumper for 35 miles."

"Traffic will be backed up to Interstate 44," Trowbridge said. "It will be just like Orlando. We don't want or need that here. I retired and did it to get away from traffic."

Trowbridge says he doesn't believe the project has a chance because the obstacles are too great.

"It is ten years down the road if they jump through the hoops," he said. "Maybe if they are willing to spend hundreds of millions of dollars to support a massive road project, then that wouldn't be a problem."

There have been two meetings of residents in the DD Highway area to organize their protest. They have gathered around Trowbridge, he said, because he is an attorney.

Homer Gross who lives at

Millwood Estates on the peninsula was one of the protesters June 9.

"I fought traffic for 37 years," Gross said. "I don't want to do that any more."

Kathy Clark doesn't live in the DD Highway area, but she opposes the project too. She was also on the picket line Wednesday. Hers is a religious opposition.

"I'm Southern Baptist and I'm opposed to the project because of the gaming," Clark said. "I support Frontier Town even though they are supported by gaming money. That is different. This project is gaming plain and simple."

Kimberling City mayor Betty Kowalewicz opposes the project too despite her one fourth Cherokee blood.

One of her concerns is that "Kimberling City will lose control of part is its incorporated area if that land is sold to the Chippewa Nation."

"Personally I have no objections to gambling," Kowalewicz said. "Missouri already has casinos in large cities like St. Louis and Kansas City. No matter what the promoters say, Showcase Branson is set up for gambling if and when gambling is legalized in Missouri. If anyone wants to gamble, they already have a place for that activity. Frankly I cannot see any benefits gambling will contribute to this area."

## Community still cautious about project, says show me

"Nothing is the same," said a life long resident of Stone County.

"It is too soon to tell," fourth generation Ozarker Kelby Ayres said. "It is our responsibility to learn what we can. To make good decision not based on rumors."

Ayres was one of about 200

its minimum wage, seasonal positions. We aim to change that."

According to figures provided tribal enrollment is 241, with 147 living on the 250 acre reservation located near Watersmeet, Mich.

Some of those members may be coming to the area for manage-

complete all phases of the project. The LVD project 3 million visitors annually to the project.

"This project will bring a tourism benefit," Larry McGriff said. McGriff owns Lakefront Resort and Campground on Table Rock Lake. "It will offer some-



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"It is too soon to tell," fourth generation Ozarker Kelby Ayres said. "It is our responsibility to learn what we can. To make good decision not based on rumors."

Ayres was one of about 200 invited guest to the Showcase Branson-Project™ announcement June 9.

"There is a Wal-Mart store now where my grandmother and great-grandmother used to live," he said. "If you look at progress like a steam roller, you can decide to run out in front of it, or you can find a way to get behind the wheel and direct the progress."

The Showcase Branson-Project™ is a multi-phased project that incorporates a convention center on 570 acres on the DD Highway peninsula. Bringing this project to the Ozarks is the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan (LVD).

The Showcase Branson-Project™ could bring over 2,500 new jobs to the area.

"I'm for more jobs, better jobs, Branson West Alderwoman Janet Standurf said. "If it's going to be as it is tonight it will be a great thing for the area."

Dan Evans the legal council for the LVD was the spokes person for the announcement that took place Wednesday.

"The jobs won't come all at once," he said. "But when they come we will be providing health care, training, and other benefits to attract and keep quality employees. This area is known for

its minimum wage, seasonal positions. We aim to change that."

According to figures provided tribal enrollment is 241, with 147 living on the 250 acre reservation located near Watersmeet, Mich.

Some of those members may be coming to the area for management training, Evans said. Most of the employees they expect to attract from the area.

Dennis Grob is interested in the jobs that could be coming too. His daughter graduated from high school and move away to find a better paying job, he said.

"What do our children have to look forward to?" he asked. "If there were more, better paying jobs they wouldn't have to leave the area. They need a chance, this could be their opportunity."

He is also interested in the economic impact the project could offer the county. He is a financial advisor with American Express. They are interested in the financial aspects of the theme park.

"I sent them some information on the project," he said. "They did their own investigation work. They are very excited about the opportunities this project has to offer."

A more diverse economy could have a significant impact on the area.

"This project could bring more economic choices, Gary Bulyar said. Bulyar operates a business in the Blue Eye area. "If it helps increase retail trade here, it has got to be good for not just Stone County but the entire Ozark region."

It will take about 10 years to

complete all phases of the project. The LVD project 3 million visitors annually to the project.

"This project will bring a tourism benefit," Larry McGriff said. McGriff owns Lakefront Resort and Campground on Table Rock Lake. "It will offer something different, something that will bring people back to the area."

If reservation status is granted the property, over 500 acres for the first phase of the project, would come off the county property tax rolls.

To offset this loss to the county the LVD has indicated that they would be willing to "donate" \$180,000 minimum to the county once the project is up and running. Contracts with the county and other entities for police and fire protection are also part of the logistics to be addressed.

Kenneth Heithaus with Heithaus Engineering Incorporated in Springfield, is the engineer for the project. They will be designing the water system and the waste treatment plants. The environmental impact statement is in the "works" he said.

"We are looking at this as if it were any other project," he said. "There will be no problems with DNR (Missouri Department of Natural Resources). What we will be creating will be state of the art."

"The people here are cautious," Evans said. "They have a right to be. Listen to us and then judge us by our actions. Give us a chance to show you what we are about."

## •Park

human resort LVD. She says that gambling

"We are losing seven generations what will our children's children see she said. "We not the answer is what we are

When completion is expected to impact in the Besides creating to visit the Showcase Br could bring over to the area.

When completed economic is over \$2.84 income tax and in federal income ly.

The county will either. Non-native state and local according to legal council for

"There are serious business benefits involved," he said federal depreci



PLANNED ATT

**Weakland calling for City Squares**  
On June 11, 7:30 p.m., the

# 'Native Woman' program presented

# The Branson



A Combination Of The Branson Beacon, White River Leader, The Southwest Missourian & The Oldest!

## Indian group unveils plans

### Protestors want peace, tranquility

By Marsha Paxson  
BDN Staff Writer

KIMBERLING CITY — "And all ads lead to 'Showcase.'"

That was a statement protesters of Showcase-Branson Project never heard developer Michael Carney say. All but a few opponents were denied access to a press conference held Wednesday at the Kimberling City Inn.

Residents close to the proposed 600-acre theme park/convention complex said they've invested their retirement savings and dreams in homes along the scenic highway and want their tranquility left intact.

Nearly 30 protesters carried picket signs denouncing the project and were angry most of them were denied access to the meeting's information about the partnership between MLC Developments, International, Inc. and the Lac Vieux desert Band of Lake Superior Chippewa Indians of Michigan (LVD).

David Trowbridge, a resident who carried a cardboard sign, said the meeting prohibited a healthy exchange of dialogue about concerns.

"We just want to know what's



Stone County residents picketed Wednesday in protest of a proposed theme park to be built along DD Highway between Branson West and Kimberling City.

BDN photo by Marsha Paxson

going on, Trowbridge said. "We have to rely on (reporters) to get accurate information back to us."

MLC partners, Michael Carney, Robert W. Plaster, and Glenn E. Merritt brought LVD representatives to Stone County to meet local officials and unveil project plans.

Protestors like Kathy Clark said there are few answers being given to the people most affected by the pro-

ject — people who live on the DD peninsula and travel the two-lane Highways of 13 and DD to get to and from home.

"What will this do to our water table, the environment and the beauty we enjoy?" Clark asked.

Kenneth M. Heithaus, President of the Springfield HEI firm, was hired to conduct impact studies on the property. He said preliminary work

is being completed at this time; it is too soon to offer comment.

As far as economic impact, SCB expects to create 2,500 jobs and more than 3 million dollars annually.

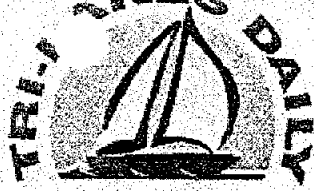
SCB Attorney Dan Evans said park will be accessed by a four-lane road that must be created.

See Protestors page 2

(Extracted from Def. Exh. M-J)

EXHIBIT V

# Branson News



...er, The Southwest Missourian & The Oldest Paper In Taney County, The Taney County Republican

## Unveils plans for theme park

### Project could create as many as 2,500 jobs

By Marsha Paxson  
BDN Staff Writer

KIMBERLING CITY — A band of Michigan Chippewa Indians and a local development partnership have unveiled plans for a multi-million dollar theme park and convention center to be built on the DD Highway peninsula in Stone County by 2002.

At a press conference Wednesday, representatives of MLC Developments, International Inc. and the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan (LVD) said they've waited nine years to tell the public about the Showcase-Branson Project — a major theme park and convention complex.

"We've been working on this project since April 10, 1990," said MLC President Michael Carney. "At first, we thought about building in Taney County, but we watched the state's building patterns for bypasses take place. And all roads lead to 'Showcase.'"

Carney added that he and two other MLC partners, Robert W. Plaster and Glenn E. Merriut, have personally contributed as much as \$330,000 million to the venture. "We have a lot of other investors who will each make their own announcement at a later date," Car-

ney said.

As many as 2,500 new jobs will be created, he said, bringing an economic boon of nearly 3 million tourists to the area annually.

MLC officials said the 1,000-acre project would consist of a theme park, "An American Dream," and a massive convention center built on land owned by both Plaster and another unnamed source. SCB Attorney Dan Evans said the convention center will be the economic engine of the project, due to its ability to serve thousands of visitors.

He said the building will measure 1 million square feet with a 350,000 square foot clear space in the center. "It will seat approximately 50,000-60,000 people," Evans said.

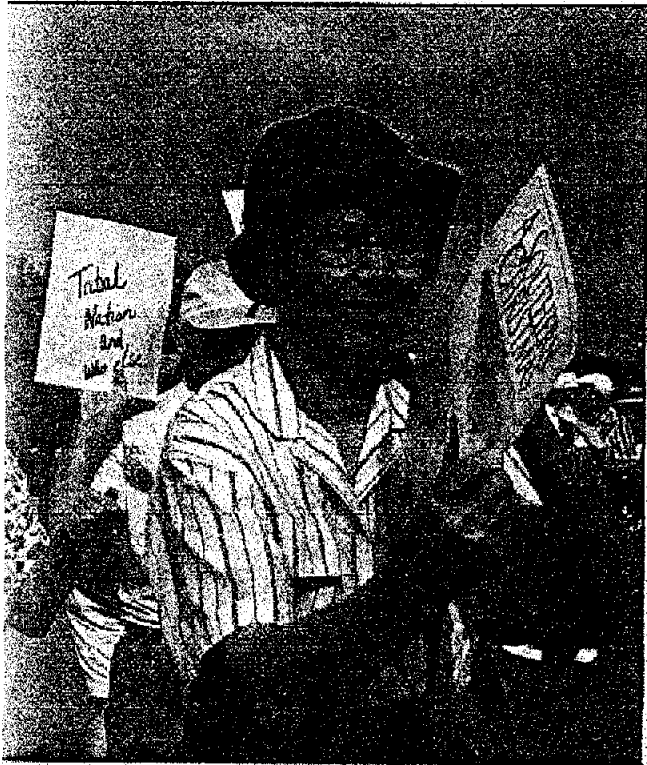
The state-of-the-art building, he added, will rest on the peninsula with the theme park, next to Evergreen, a large property owned by Plaster, the founder of Empire Gas.

"The convention center will have shopping, retail and professional offices," Evans added.

In an effort to give park visitors as taste of something they've never experienced, he said, the park will be "...themed with a Native American tag."

Evans said the purpose will be to showcase each of the nation's 440

See Indians page 3A



test of a proposed theme park to be built along DD Highway, near

BDN photo by Marsha Paxson

...le who live on the DD and travel the two-lane of 13 and DD to get to me. "All this do to our water environment and the beauty," Clark asked.

...el Heithaus, President of old HEI firm, was hired impact studies on the said preliminary work

...is being completed at this time, so it is too soon to offer comment.

As far as economic impact, the SCB expects to create 2,500 new jobs and more than 3 million visitors annually.

SCB Attorney Dan Evans said the park will be accessed by a four-lane road that must be created in the

See Protestors page 3A

## • Protestors

Continued from 1A

vicinity of Highway 13.

"Our park entrances are not designed to access DD Highway," he said.

Evans said the LVD could help defray the expense of roadway improvements if it receives reservation status because the easements would be easier to achieve if developers are able to go through federal land.

Financial burdens of the project could also be lessened through federal tax breaks, he added.

The LVD tribe, founded in 1991, has 241 members and currently has a reservation application being processed as a component of the project, although the group does not want to relocate to Missouri.

When asked by Stone County resident Chuck Zehnder about the hardship the reservation-status would create for area businesses not given tax breaks, Evans said, "that advantage doesn't exist because sales taxes will be the same in and out of the reservation. The only people not taxed would be members of the tribe."

Evans said, if the government is giving them the economic tools to work with through reservation-status, the group would be foolish not to take advantage of the opportunity.

Carney said concerns of gambling have been addressed, because the tribe waived sovereign immunity in regards to rights as Native Americans to apply for gambling in their reservation application. Even if the tribe does not gain reservation status, they will remain active with the project.

## • Indians

Continued from 1A

tribes, much like a cultural exchange program — on a rotational basis. "This will allow them to

Mike Hazen, an LVD tribal Council member and Chief of Police, said the LVD in Michigan has, like all other states with reservations, compacts, or agreements between the federal government and tribes. Those agreements determine what types of games, such as bingo and pull tabs, can be done. "The compacts are not identical from state to state," he said.

Residents voiced concerns that the project is a foot in the door for those who would promote gambling.

Thomas J. Kolinsky serves as the LVD Executive Director and works with the Tribal Council and Chairmen.

Kolinsky said the LVD did not ask for gambling in its application and reminded those against gambling that the Governor has absolute veto rights.

"The governor (Mel Carnahan) has made it clear what his stance is," Carney said. "So, I can't understand why the opposition keeps bringing it (gambling) back up. What part of no don't they understand?"

"We just want to bring quality, family entertainment into the area and maintain the integrity that the Branson region is known for."

A representative from Carnahan's office did not return calls as of press time for comment.

Opponents of the project say they will continue writing congressmen, senators and other elected officials until someone hears and understand their plight.

"Once we've exhausted all options, our last recourse is to file a lawsuit," Trowbridge said.

educate others about their dance, culture and people," Evans said.

Carney said the park will be a Walt Disney-style park, "...like when Walt Disney was alive."

**PHELPS COUNTY**

**Man's trial in 3 deaths scheduled**

A man charged with killing a woman and her two children and dumping their bodies in a farm pond will stand trial in Rolla in October.

Jesse Carter, 18, is charged along with Mark Christeson, 20, with the February 1998 slayings of Susan Brouk of Vichy; her 12-year-old daughter, Adrian; and 9-year-old son, Kyle, in Maries County.

His trial is scheduled to start Oct. 4 in Phelps County Circuit Court. Jurors will be selected in Platte County.

Christeson's trial has been moved to Vernon County, some 135 miles southwest. It is scheduled to begin Aug. 26.

Police say the two cut the throats of Brouk and Kyle and drowned Adrian. They were arrested in Blythe, Calif., where authorities said they had fled in Brouk's 1994 Ford Bronco II.

**SPRINGFIELD**

**Man, 26, pleads not guilty in assault**

A 26-year-old Springfield man indicted by a Greene County Grand Jury last year in the stabbing of his girlfriend in March 1998 has pleaded not guilty to first-degree assault.

Siru G. Blakey appeared before Greene County Circuit Judge J. Miles Sweeney on Tuesday. Blakey's former girlfriend, 25, did not receive life-threatening injuries from the attack, police reports said.

Blakey has been in the Missouri Department of Corrections Fulton State Hospital since he was indicted but was released into the custody of Greene County authorities this week. A competency hearing will likely follow his arraignment, but no date has been set.

**REGION**

**Floating excursion**

**Convention center**

**Pickers voice concern over impact of Lac Vieux tribe's planned project.**

By Kathryn Buckstaff  
 News-Leader

**KIMBERLING CITY —** About 40 people picketed a news conference Wednesday held by developers who say they will build a 1 million-square-foot convention center in Stone County.

The project is being spearheaded by the Lac Vieux Desert

Band of Lake Superior Chippewa Tribal Government. The tribe hopes to diversify its economic base, now primarily provided by its casino in Michigan. Tribe members say they will not bring gaming to the Ozarks or damage the environment.

Still, opponents raised concerns about gaming and the envi-

ronmental impact of a 70,000-seat arena in a residential area on two-lane Stone County DD. With emotions running high, they chanted: "Money isn't everything. Pollution lasts forever."

Said Kathy Clark, one protester who lives near the proposed development: "The biggest threat is that the old businesses will have to compete with a tax-exempt development."

The protesters were not allowed inside the Kimberling

Inn, an area owned by C. Ayres, own not a thin opin F stea pike you

**Raising Kenya's r**



Karen Lassman-Eul spends time with daughters Ujala, 7, (left) Nisha, 12, and Dolly, 10 (right), travels to Africa. She'll be in Kenya for the next two weeks to lead an all-female Habitat for Hum

**Two area women are Africa-bound, pitching in to build four new homes.**

knew some of the language. In that time, we started three new projects."

Lassman-Eul's experience

going ed at her Lass

## Convention center at lake protested

Environmental impact of a 70,000-seat arena in a residential area on two-lane Stone County DD. With emotions running high, they chanted: "Money isn't everything. Pollution lasts forever." Said Kathy Clark, one protester who lives near the proposed development: "The biggest threat is that the old businesses will have to compete with a tax-exempt development." The protesters were not allowed inside the Kimberling

Inn, where about 100 invited area residents and business owners enjoyed a large buffet. One of the guests, Kelby Ayres, a Branson West business owner, said he hopes a rift does not develop between Stone County residents over the project. "I think it's too early to have an opinion," he said. Progress, he added, "is like a steamroller coming down the pike. You either get run over or you try to climb on and grab the

wheel." Once a pending land purchase is concluded, the convention center and American Indian-themed amusement park would be built on 1,000 acres on Table Rock Lake owned by Springfield businessman Robert Plaster, said Dan Evans, the project's attorney. Although the tribe will apply for reservation status, which would make the land exempt from property taxes, tribe mem-

bers say they will reimburse the county for those taxes and would collect state sales tax from nontribal visitors. The convention center could be completed as soon as 2001. Evans declined to put a price tag on the project. Evans said the development will have no negative impact on the land. "Native Americans were the original stewards of this earth," he said. "(Infrastructure) will be state of the art."

## Christina's roofs



Christina Dicken / News-Leader  
Christina, 7, (left) Nisha, 12, and Dolly, 10 (right), Wednesday before she works to lead an all female Habitat for Humanity building team



Cheryl Blehm  
Dean Blehm is seen in this family snapshot holding great-grandsons Mitchell (left) and Wade Blehm.

## 'It's a nightmare': Family struggles to understand

The children of Dean Blehm have no idea why Blehm's wife would kill him.

By Laura Bauer Menner  
News-Leader

# Weekend Ed

SATURDAY-SUNDAY-MONDAY June 12, 13, 14, 1999

Volume 88 • Number 116

## STATE



Girls recognized for their work in saving man's life

PAGE 5A

## ENTERTAINMENT



New movie theatre cor to be built in Branson

PAGE 5B

# The Branson

A Combination Of The Branson Beacon, White River Leader, The Southwest Missourian & The Old

## Senators take firm stance

By Marsha Paxson  
BDN Staff Writer

**KIMBERLING CITY** — Three Missouri lawmakers have issued statements about Indian gaming in response to concern over a major theme park and convention complex proposed in Stone County by a band of Michigan Chippewa Indians and a local development partnership.



Bond  
state senator

MLC Developments, International, Inc., and the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan (LVD) announced plans earlier this week to develop the Showcase-Branson Project(TM) — a g-rated theme park and convention destination.

Despite assurances from MLC President Michael Carney the tribe does not want to relocate here nor did it put gambling on its reservation application, many area residents are concerned the \$330 million-plus project is a foot in the door for those who would promote gaming in the state.

Senators Kit Bond and John Ashcroft released the following statement from their Washington offices Friday:

"The Branson area is a tremendous asset to Missouri's economy. To people all across America, Branson represents wholesome entertainment, outdoor recreation, and tourism opportunities for every member of the family.

"Branson stands for the best in family values — togetherness, fun for every generation, and memories that will last a lifetime.

"It would be a terrible mistake to open the door to gambling in Bran-

son. The people of Branson are concerned that they do not want Indian gambling casinos.

"We will oppose any action by the federal government that would bring in gambling.

"Further, we hope that all new businesses in the Branson area will respect and uphold its community-oriented recreation tradition passed anywhere in the States."

## Center's plans still on table

By Chad Hunter

## Lightning strikes





# nd Edition

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## ENTERTAINMENT



**New movie theatre complex to be built in Branson**

PAGE 7A

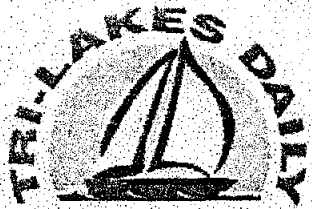
## SPORTS



**Branson senior Hughes leads All-Area Baseball Team**

PAGE 16A

# Branson News



The Southwest Missourian & The Oldest Paper in Taney County, The Taney County Republican

## stance against gambling

Bond and Johnson said the following in their Washington

area is a tremendous Missouri's economy. Across America, Branson's wholesome entertainment, recreation, and amenities for every family.

togetherness, fun and memories for a lifetime.

A terrible mistake to bring gambling to Branson.

The people of Branson are saying that they do not want Indian gambling casinos.

"We will oppose any action by the federal government that would bring in gambling."

"Further, we hope that all new businesses in the Branson area will respect and uphold its commitment to family-oriented recreation that is unsurpassed anywhere in the United States."

Chris Sifford, Chief of Staff for Governor Mel Carnahan, said the Governor's stance has traditionally been against gambling, other than what voters have already approved in the state, such as

“

**We will oppose any action by the federal government that would bring in gambling**

—Kit Bond and John Ashcroft, on gambling in Branson

”

that on riverboats.

"Any expansion beyond riverboats he's against," Sifford said.

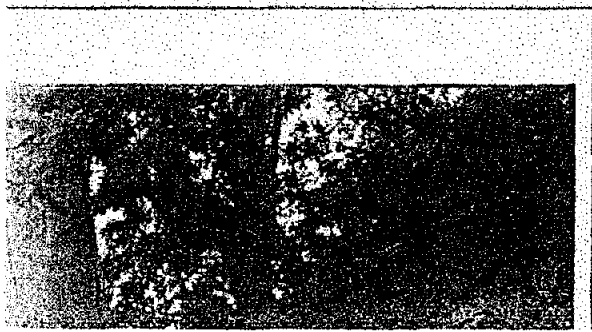
Further, he added, Carnahan has

had previous discussions about Indian reservation in the state and said he has been "traditionally opposed" to their presence with any attachments to gaming.

Carney said he hopes the governor's firm posture on the matter should set area residents' minds at ease.

"I can't understand why the opposition keeps bringing it (gambling) back up," he said. "What part of no don't they understand?"

"We just want to bring quality, family entertainment into the area and maintain the integrity that the Branson region is known for."



## Area rivers present threat to swimmers

By Chad Hunter  
BDN Staff Writer

Anyone who plans on taking a dip in either Big or Little Branson lakes

31, the recreational water-use time. The Ozark Wastewater Treatment Facility was being redone last year, so essentially all of last year's

# Articles of Incorporation of MLC Developments Int'l., Inc.

## ARTICLES FORMATION & REGISTERED AGENT

The undersigned, Sheila L. Carney, as the officially Registered Agent for the Corporation and a natural person, of the age of eighteen (18) years of more, for the purpose of forming a corporation under "The General and Business Corporation Laws of Missouri," adopts the following Articles of Incorporation.

### ARTICLE ONE

The name of the corporation is: MLC Developments Int'l., Inc. (MLC)  
Missouri Incorporation ID Number: 00448967  
Date of Incorporation: April 28<sup>th</sup>, 1999  
Corporation Type: Class C

### ARTICLE TWO

The address, including street and number, if any, of the corporation's initial registered office in this state is: P.O. Box 166, Kimpelville, MO 65688-0166 (HCP-7, Box # 577, Reeds Spring, MO 65737); and the name of its initial registered agent at such address is: Sheila L. Carney.

### ARTICLE THREE

The aggregate number, class and par value, if any, of shares which the corporation shall have authority to issue shall be MLC shall have two (2) classes of stock. Class "A" is designated as "Preferred Stock" and, Class "B" is designated as "Common Stock."

The authorized issuable preferred stock (Class A) of MLC will be a total of one-hundred thousand (100,000) shares of Class A preferred stock. One-hundred thousand (100,000) total shares - at a par value of One Dollar (\$1.00), per share. All Class A preferred stock shall be owned by MLC (Michael L. Carney and Sheila L. Carney (husband and wife) are the original incorporators, and joint owners) and or their assignee, as is specified from time-to-time by the authorized sale of Class A preferred stock. The Class A preferred stock shall retain controlling interest in all corporate activities, and shall retain a value of one-hundred times greater than that of the Class B common stock.

The authorized issuable common stock (Class B) of MLC will be a total of one-hundred thousand (100,000) shares of Class B common stock. Ten Million (10,000,000) total shares - at a par value of One Cent (1¢), per share. All Class B common stock shall be owned by MLC (Michael L. Carney and Sheila L. Carney (husband and wife) are the original incorporators, and joint owners) and or their assignee, as is specified from time-to-time by the authorized sale of Class B common stock. The Class B common stock shall be subject to the controlling interest in all corporate activities, of Class A preferred stock (MLC Board of Directors must be stockholders of Class A preferred stock) directors; and shall retain a value of one-thousand times less than that of the Class A preferred stock.

All Class B common stock shall be held, "on the shelf" and not for sale without written authorization of the MLC Board of Directors.

Fifty one-thousand (51,000) shares of the Class A preferred stock of MLC shall be owned by Michael L. & Sheila L. Carney (a fifty one-percent (51%) ownership) as long as the Corporation shall be in existence; and, forty nine-thousand (49,000) shares of the Class A preferred stock of MLC can be owned by other individuals or their assignees (a forty nine-percent (49%) ownership).

The Class A common stock of MLC shall be entitled to a distribution of one-hundred percent (100%) of the dividends declared by the MLC Executive Board of Directors, according to the ownership designation described above. Michael L. & Sheila L. Carney and/or their assigns shall receive a minimum of fifty one-percent (51%) of the declared dividends, and any other individual stockholders of Class A preferred stock and/or their assigns shall receive a percentage of the declared dividends, in proportion to their respective ownership(s), with a maximum of forty five percent (45%) to be disbursed (four percent (4%) is retained for issuance of Class B common stock in the future, if needed. This four-percent (4%) will be divided into ten-million shares of Class B common stock, if needed), for a total of one-hundred percent (100%) of the declared dividends in perpetuity.

# Articles of Incorporation of MLC Developments Int'l., Inc.

## ARTICLE THREE ... continued.

The preferences, qualifications, limitations, restrictions, and the special or relative rights, including convertible rights, if any, in respect of the shares of the Class A preferred stock, are as follows: None.

Furthermore, Class B common stock shall have preferences, qualifications, limitations, restrictions, and the special or relative rights, including convertible rights, in respect of the shares of the Class B common stock which will be determined by the Executive Board of Directors, prior to any issuance of Class B common stock.

## ARTICLE FOUR

The extent, if any, to which the preemptive right of a shareholder to acquire additional shares is unlimited, based on availability. Prices for Class A preferred stock and Class B common stock is to be fixed and set by the Executive Board of Directors

The transfer of stock is subject to the terms and conditions of the Agreement between this corporation and each individual stockholder and/or their assigns, of all Class A preferred stock, as per written stock purchase agreements titled: Corporate Stock Purchase Agreement, that is duly signed and dated by all of the parties involved on the date of purchase. All of the individual stockholders' rights are suspended with regard to the corporation and/or disbursement of dividends until such time as the said stock, purchased by the individual, is paid for in full, absolutely no exceptions.

## ARTICLE FIVE

The name and place of residence of each incorporator is as follows:

### Name

Michael L. Carney, and  
Shelia L. Carney (husband and wife)  
→ Robert W. Plaster (as an individual)

### Legal Mailing address

P.O. Box 156, Kimberling City, MO 65686-0156  
P.O. Box 156, Kimberling City, MO 65686-0156  
P.O. Box 1600, Lebanon, MO 65536-1600  
(Mr. Plaster purchased stock on May 1<sup>st</sup>, 1999 - 20% ownership)  
(Mr. Plaster is not an original incorporator)

## ARTICLE SIX

The number of directors to constitute the first board of directors is 3. Thereafter, the number of directors shall be fixed by, or, in the manner provided for in the bylaws. Any change in the number of Directors will be reported to the Secretary of State of Missouri within thirty (30) calendar days, of such change.

## ARTICLE SEVEN

The duration of the corporation is perpetual.

## ARTICLE EIGHT

This corporation is formed for the following purposes:

- A. To own, operate and conduct business dealings with a wide range of entertainment, manufacturing and promotional services, including the sale and purchase of the same, along with any necessary real estate.
- B. To own, conduct and operate businesses of all kinds and types including the sale of general merchandise, commodities or chattels of any kind or nature, at wholesale or retail.
- C. To purchase or otherwise acquire, manufacture, develop, process, design, construct, build, sell, lease, franchise, rent, distribute and otherwise dispose of and deal in and with any item, product, article or service.
- D. To purchase or otherwise acquire, lease, assign, mortgage, pledge, sell, franchise or otherwise hold or sell or dispose of any leases, commercial paper, contracts, trademarks, trade names, concessions, inventions, formulas, improvements, processes of any nature whatsoever, copyrights, trademarks and letters patent of the United States and of foreign countries, and to accept and grant licenses, to manufacture, operate, process or sell any article, products or process.

# Articles of Incorporation of MLC Developments Int'l., Inc.

ARTICLE EIGHT ... continued.

- E. To carry on the business of promoting, developing and improving real property; to build structures thereon, to lay out for public use roads, streets and avenues upon or through its lands; to extend, continue or connect such roads, streets or avenues upon or through other real property to be acquired to lay out and establish such roads, streets or avenues and the extensions, continuations, or connections thereof; and to construct drains or sewers, and such bridges or culverts as may be necessary to maintain the grades of, or for the extensions, continuation or connection of the roads, streets or avenues so laid out, including any other forms of transportation services (i.e., ferries, trams, trolleys, monorails, light rail service, bus lines, air services, etc.)
- F. To purchase, take, receive, subscribe for or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, loan, pledge or otherwise dispose of, and otherwise use and deal in and with, shares or other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals.
- G. To make contracts and incur liabilities which may be appropriate to enable it to accomplish any or all of its purposes; to borrow money for its corporate purposes at such rates of interest as the corporation may determine; to issue its notes, bonds and other obligations; to issue notes or bonds, secured or unsecured, which by their terms are convertible into shares of stock of any class, upon such terms and conditions and at such rates or prices as may be provided in such notes or bonds and the indenture or mortgage under which they are issued; and to secure any of its obligations by mortgage, pledge or deed of trust, of all or any of its property, franchises and income.
- H. To invest its surplus funds from time to time and to lend money and to take and hold real and personal property as security for the payment of funds so invested or loaned.
- I. To elect and appoint officers and agents of the corporation, and to define their duties and fix their compensations.
- J. To conduct its business, carry on its operations, and have offices within and without this state, and to exercise in any other state, territory, district or possession of the United States, or in any foreign country, the powers granted by the General and Business Corporation Laws of Missouri and the United States of America.
- K. To make and alter bylaws, not inconsistent with its Articles of Incorporation or with the laws of this state for the administration and regulations of the affairs of the corporations.
- L. To cease its corporate activities and surrender its corporate franchise.
- M. To have, and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is formed.
- N. To make contributions to any corporation organized for civic, charitable or benevolent purposes, or to any incorporated or unincorporated association, community chest or community funds.
- O. To purchase, take, receive or otherwise acquire, hold, own, pledge, transfer or otherwise dispose of its own shares and/or property.
- P. To make, political contribution or expenditure to a candidate for local, state or national public office or to any political committee or separate political fund.
- Q. And to do, perform, or carry on such other acts or deeds as may now, or from time to time in the future be authorized by the laws of the State of Missouri and the U.S. Federal Government.
- R. To enter into any and all types of binding agreements with any "Native American Tribe," by definition, as well as any and all federally recognized Indian Tribes, or other Tribes within the territories of North and South America.

IN WITNESS WHEREOF, these Articles of Incorporation have been signed this 28<sup>th</sup> day of April, 1999.

  
Sheila L. Carney - Incorporator

Dated: 4.28.99 and.

  
Michael L. Carney - Incorporator

Dated: 4/28/99

[CORP SEAL]

No. 00468967

# STATE OF MISSOURI



**Rebecca McDowell Cook**  
**Secretary of State**

CORPORATION DIVISION  
CERTIFICATE OF INCORPORATION

WHEREAS, DUPLICATE ORIGINALS OF ARTICLES OF INCORPORATION OF  
MLC DEVELOPMENTS INTERNATIONAL, INC.

HAVE BEEN RECEIVED AND FILED IN THE OFFICE OF THE SECRETARY OF  
STATE, WHICH ARTICLES, IN ALL RESPECTS, COMPLY WITH THE  
REQUIREMENTS OF GENERAL AND BUSINESS CORPORATION LAW;

NOW, THEREFORE, I, REBECCA McDOWELL COOK, SECRETARY OF STATE  
OF THE STATE OF MISSOURI, BY VIRTUE OF THE AUTHORITY VESTED IN  
ME BY LAW, DO HEREBY CERTIFY AND DECLARE THIS ENTITY A BODY  
CORPORATE, DULY ORGANIZED THIS DATE AND THAT IT IS ENTITLED TO  
ALL RIGHTS AND PRIVILEGES GRANTED CORPORATIONS ORGANIZED UNDER  
THE GENERAL AND BUSINESS CORPORATION LAW.

IN TESTIMONY WHEREOF, I HAVE SET MY  
HAND AND IMPRINTED THE GREAT SEAL OF  
THE STATE OF MISSOURI, ON THIS, THE  
28TH DAY OF APRIL, 1999.

*Rebecca McDowell Cook*  
Secretary of State



\$58.00

# The News-Leader

A Current Newspaper

SPRINGFIELD MISSOURI, SUNDAY, AUGUST 14, 1981

## Waltresake of SMS' Plaster Field guards privacy

By Sara B. Harster

Who is Robert Plaster — the unknown man who gave a reported \$1.5 million to Southwest Missouri State University and caused the school to receive big-time funds — Plaster Field?

He is one of the wealthiest people in the (Booker) listed in the 1980 edition of Who's Who in America as being an annual income of \$1.5 million in 1980.

But Plaster, chairman of the Board of Directors of the Coors Corp., has privacy.

A former Hill held secret who founded Plaster Gas in Lebanon in 1962, Plaster, 54, remains a fairly well-known in his company's headquarters town.

"A lot of people in town don't even know what he looks like. He's almost a legend," said a local Coors leader, "and when he comes to town, he's almost like a local person, and the residents of the town are very friendly."

### Plaster's legal battles/SA Charitable contributions/SA

Plaster's legal battles, but he refuses personal interviews, and even his address only after correspondence has been received and a leave-card returned and reported.

"I have spent the past 20 years of my life protecting my privacy to the extent possible, and I have no desire to have my name in the news," he said in a letter.

Plaster's desire for privacy carries over to his family, which is asked by The News-Leader about the family. Plaster said that he had four children, three of whom are now in college. He did not provide the names of the children, only their ages and



Sara B. Harster, author of the article, is shown in a black and white portrait. She is wearing a dark top and has short hair. The photo is framed within the text of the article.

Plaster's children are...

### Magnolia looks at Jimmy Tab's Rock project

By Sara B. Harster

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...has just would mean the difference between giving \$100,000 for a room and \$100,000 for a bathroom.

...the building or how many people... Plaster also looks will with for... company and... and... financial projects.

...At first, Stone County officials... considered the building a good... Plaster wants to sell the... building that's fine with them.

...I thought the negotiation from... respected for... the primary tax bill... said Allen... Stone... County... Board of... and Hill... and Hill... and Hill...

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D.H.

Exhibit # 2

MLC DEVELOPMENTS INT'L INC.  
16282 MO-13, SUITE E  
BRANSON WEST, MO 65737  
417-272-0057

REPLACED BY WIRE TRANSFER  
1. M - CONF # 2349  
1407  
01/03/2002

ROBERT W. PLASTER

ONE-Million & 40/100'S  
UNION PLANTERS BANK N.A.

VOID  
(SEE EXPLANATION)

BALANCE FORWARD
THIS PAYMENT
BALANCE
OTHER
BALANCE FORWARD

Evergreen ESCROW

⑆081504826⑆1407 ⑆9110172505⑆

TAX DEDUCTIBLE ITEM   
NOT NEGOTIABLE