

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

FILED UNDER SEAL

UNITED STATES OF AMERICA,

Plaintiff,

v.

VARIOUS PIECES OF OLD MASTERS FINE ART;

VARIOUS PIECES OF CONTEMPORARY ART;

VARIOUS PIECES OF FINE ART;

26029 EAST PHILLIPS PLACE, AURORA, COLORADO

4497 AND 4499 SHADOW RIDGE, ISLAND PARK, IDAHO

CONVEYANCES;

E*TRADE ACCOUNTS;

SPORTS MEMORABILIA;

FIREARMS;

TAXIDERMY; and

PERSONAL PROPERTY,

Defendants.

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America, by and through Acting United States Attorney David M. Gaouette and Assistant United States Attorney James S. Russell, and Assistant United States

Attorney Tonya S. Andrews, pursuant to Supplemental Rules for Admiralty and Maritime Claims C(2), states:

JURISDICTION AND VENUE

1. The United States of America (the “United States”) has commenced this action pursuant to the civil forfeiture provisions of 18 U.S.C. §981, seeking forfeiture of the Defendant properties as involved in, as facilitating, and as the proceeds of violations of 18 U.S.C. §1341 (mail fraud), §1343 (wire fraud), §1956 and §1957 (money laundering), and 15 U.S.C. § 77q(a), 77x, 78j(b) and 78ff (securities fraud). This Court has jurisdiction under 28 U.S.C. §§1345 and 1355.

2. Venue is proper under 18 U.S.C. § 981(h), 19 U.S.C. §1605, and 28 U.S.C. §1395, as most of the Defendant properties are located, and many of the acts described herein occurred, in the District of Colorado.

DEFENDANT PROPERTIES

3. Defendant assets are more fully described and owned as follows:
- a. Approximately 157 pieces of Old Masters Fine Art, currently located at the residence of Shawn Merriman, 26029 Est Phillips Place, Aurora, Colorado, and more particularly described in Attachment A, hereinafter Defendant Old Masters Fine Art;
 - b. Approximately 170 pieces of contemporary art, currently located at the residence of Shawn Merriman, 26029 East Phillips Place, Aurora, Colorado, hereinafter Defendant Contemporary Art;
 - c. Approximately 43 pieces of framed fine art, 4 bronze busts, and one acrylic sculpture, currently located at the residence of Shawn Merriman, 26209 East Phillips Place,

Aurora, Colorado and at the residence of Wendy James, 2255 Hamptons Crossing, Alpharetta, Georgia 30005, more particularly described in Attachment B, hereinafter Defendant Fine Art;

d. Real property located at 26209 East Phillips Place, Aurora, Colorado, more particularly described as Lot 22, Block 3, Stage Run, 1st Filing, County of Arapahoe, State of Colorado, titled in the name of Shawn R. and Andrea C. Merriman, hereinafter Defendant East Phillips, specifically the United States is seeking forfeiture of Shawn Merriman's interest in Defendant East Phillips and the value of any fraud proceeds obtained by Shawn Merriman traceable thereto. The property is encumbered with a Deed of Trust for the benefit of Colorado Business Bank in the approximate principal amount of \$944,000.00.

e. Real property located at 4497 and 4499 Shadow Ridge, Island Park, Idaho, more particularly described as Lots 12 and 13, Block 5, Stonegate Phase 2, Fremont County, Idaho, titled in the name of Shawn R. Merriman and Andrea Merriman, hereinafter Defendant Idaho Property. The property is encumbered with a Deed of Trust for the benefit of First Colony Mortgage Corporation.

f. Numerous conveyances, including vehicles, collectible cars, motorcycles, boat, motor home, trailers, and a John Deer Bobcat, located at the residence of Shawn Merriman, 26209 East Phillips Place, Aurora, Colorado and Idaho cabin, and more particularly described on Attachment C, hereinafter Defendant Conveyances;

g. E*Trade Securities account #s 6521-0956, 6516-3078, 5732-6850, 5732-6851, 5732-6853, 5759-9556, 5759-9553, 5759-9549, hereinafter Defendant E*Trade accounts;

h. Sports memorabilia, located at Merriman's residence, and more particularly described on Attachment D, hereinafter Defendant Sports Memorabilia;

I. Firearms more particularly described on Attachment E, located and being held by Steve Smart, a licensed firearms dealer, hereinafter Defendant Firearms;

j. Taxidermy, located at Merriman's residences and Nature's Design Taxidermy, 323 Robert Street, Cody, Wyoming, and more particularly described on Attachment F, hereinafter Defendant Taxidermy; and

k. Personal Property located at Defendant East Phillips, Defendant Idaho Property, or in the possession or control of Shawn Merriman, which has been identified by Shawn Merriman as being purchased with the proceeds of the fraud, including but not limited to art not described above, exercise equipment, arcade games, tools, hunting paraphernalia, safes, and a pitching machine, hereinafter Defendant Personal Property.

All property described above as assets a-k, are collectively referred to throughout as Defendant Assets.

FACTUAL BASIS FOR FORFEITURE

____ Except as otherwise noted, all of the following facts and information have been discovered through my own investigation and observations, and the observations and investigations of fellow law enforcement officers as reported to me.

FRAUD/SECURITIES/PONZI SCHEMES GENERALLY

4. Ponzi type fraud schemes typically include the siphoning of the victim investors' monies to the operators, the use of some of those monies to pay "earnings" back to previous victim investors, and the use of invested funds to acquire personal assets controlled by the operators which were undisclosed to the investors. Further, the fraud scheme operators will allege that, in addition to the exorbitantly high rates of return to be paid out at periodic intervals,

after a specified period of time the individual victim investors will have their initial principal investment returned to them in full. The operators of the fraud scheme will thus induce the victim investors to enter into an investment contract, whereby the individual victim investors will transfer to the fraud scheme operators, often by mail or interstate wire communications, large sums of money allegedly for the purchase of the promised investment. In fact, there are no such investments made, there is no payment of the exorbitant rates of interest promised, and the principal is not returned. Occasionally, individual victim investors may receive some initial return, to lull them into continuing to cooperate and invest further, to induce other victim investors to participate in the scheme, or to reduce the victim investors' demands for their promised high interest payment or return of principal investment. These payments come not from investments, as those usually are not made, but rather from investment monies diverted from other victims. When the promised periodic payments or ultimate return of the initial investment does not occur, and the victim investors begin making demands, the operators of the fraud scheme will typically offer a variety of different excuses, such as unwarranted interference by a domestic or foreign regulatory agency, an unexpected domestic or foreign calamity, or simply that the payments will be forthcoming "shortly". Meanwhile, the operators of the fraud scheme utilize the fraudulently obtained funds both to carry on the scheme and for their own personal benefit, expending the monies for their own uses.

5. Ponzi schemes can offer a variety of investment instruments to include the buying, selling, and trading of securities. It is illegal to engage in fraud in the offer or sale of a security. Under most circumstances, it is also illegal to sell securities which have not been registered with the U.S. Securities and Exchange Commission. A security includes the following

items - “note,” “stock,” “bond,” and “debenture,” as well as more general terms - “investment contract” and “any interest or instrument commonly known as a 'security'.” The definition of a security includes an investment contract, which is “a contract, transaction, or scheme whereby a person invests his money in a common enterprise and is led to expect profits solely from the efforts of the promoter or third part . . .”

DETAILS OF THE SCHEME

6. In this particular scheme, Shawn Merriman, through his companies, Market Street Advisors, Mountain Springs Partners, LLC-1, LLC-2, LLC-3, and LLC-4 operated an illegal investment/securities/ponzi scheme, out of his residence (Defendant East Phillips) by promising individuals he would invest their money in stocks and that those investments would earn rates of return ranging from 7% to 20% per annum.

7. On March 18, 2009, Shawn Merriman, through his attorney, voluntarily agreed to be interviewed regarding a ponzi scheme he was operating under the name Market Street Advisors.

8. Merriman indicated to United States Postal Inspector Robert Barnett that he began work in 1989 as a licensed stockbroker. In 1994, he started his own investment business, Mountain Springs Partners, which later became LLC-2. He indicated he had a very aggressive investment strategy and lost approximately \$400,000 shortly after beginning. Instead of reporting this loss to investors, Merriman said he started LLC-1 with a more conservative approach in an attempt to make up the loss. Merriman said that this ultimately resulted in his taking money from LLC-1 to pay off investors in LLC-2. Merriman said that LLC-3 and LLC-4 were created for the same reason as LLC-1 and LLC-2, to take in money with the purpose of

paying off investors from the other operations and eventually to pay for his lavish lifestyle.

Merriman said that he initially did attempt to trade stocks but stopped after about one year and operated the scheme full-time.

9. Merriman said that all investors came by word of mouth, and that he represented to them that he would invest in stock options with a strategy to protect from downside losses. He told potential investors that he would set call limits as his conservative approach to protect stock declines.

10. Merriman indicated he would give potential investors a one page description of his business and represented to potential investors that all of the investor's money would be pooled and used toward stock trading. Merriman admitted that, in reality, he never made any investments but instead used the investors' money to support his lifestyle and pay investors who wanted to withdraw their money.

11. Merriman said he would fabricate monthly statements showing false rates of return, false investments, and false monetary gains from 7% to 20% per year for each investor. These statements were mailed by Merriman to each investor. Merriman indicated he mailed these statements via the United States Postal Service, from the beginning of the scheme in 1994 to 2008, when he switched to e-mailing investors' statements. In addition, Merriman said he would on occasion mail via the United States Postal Service clients their refund checks, but he would mostly use interstate wire communications to transfer the money. Victims also wired him funds to Merriman for him to "invest."

12. Merriman admitted that all of his income since 1994 has been generated by his fraud scheme. Merriman admitted that instead of investing in stocks, he would use investors'

money to support his lifestyle, and purchase extravagant items, including but not limited to all of the defendant assets. Merriman has admitted that all of the defendant assets were purchased with funds given to him by investors for the purpose of investing as part of his fraud scheme.

13. Merriman said that approximately 38 investors and/or investor groups put a total of \$17-\$20 million into his investment scheme from 1994 to 2009. Merriman stated that only approximately \$7 million in proceeds remained in his possession, mostly in the art collection (defendants Old Masters Fine Art and Framed Fine Art) and classic cars (defendant Classic Cars).

14. Merriman told Inspector Barnett that his art collection (defendant Fine Art) included works by Rembrandt and was worth millions of dollars. Merriman admitted that defendant Fine Art was purchased with funds he fraudulently obtained from his investment clients. Merriman said the art was in a locked safe in his home.

15. On March 19, 2009, Inspector Barnett interviewed investor victims Manoj Moorjani and Hal Bjorklund. Moorjani estimated he had given Merriman approximately \$750,000 for the purpose of investing in stocks and other instruments with the expectation of earning a rate of return on his initial principle. Moorjani was unaware Merriman was operating a ponzi scheme until he was contacted by Merriman, who admitted all the investment operations were fraudulent. Additionally, Bjorklund estimated he gave Merriman approximately \$3 million for the purpose of investing in stocks and other instruments with the expectation of earning a rate of return on his initial principle. Bjorklund was also unaware Merriman was operating a ponzi scheme until he was contacted by Merriman, who admitted all the investment operations were fraudulent. Bjorklund also said he has personally visited Merriman's residence in Colorado and

has seen the artwork collected by Merriman to include works by Rembrandt. Bjorklund is also aware of the classic cars owned by Merriman. Bjorklund stated at least one, a 1932 Lincoln (defendant Lincoln), is currently located with a car restoration company, identified as Auto Weave, 2613 West 64th Ave, Denver, Colorado (Defendant Lincoln was later determined to be made in 1930 not 1932).

16. A telephone interview was conducted on March 19, 2009 with Davis McCann, also an investor with Merriman. According to McCann, he met Merriman through interest in classic cars. McCann stated he knows of a 1932 Lincoln at a car restoration company, identified as Auto Weave, 2613 West 64th Ave, Denver, CO, and has seen an Aston Martin (defendant Aston Martin) at Merriman's house in Aurora, Colorado. McCann also has seen artwork that Merriman has collected. McCann estimated he gave Merriman approximately \$700,000 for the purpose of investing in stocks and other instruments with the expectation of earning a rate of return on his initial principle. McCann was also unaware Merriman was operating a ponzi scheme until he was contacted by Merriman, who admitted that all the investment operations were fraudulent.

17. On March 20, 2009, a telephone interview was conducted with Wendy James, a bookkeeper employed by Merriman. Through her bookkeeping duties, James said she had become aware of artwork and cars that Merriman owns. James stated that some of the art are works by Rembrandt among others and is probably worth millions of dollars. James said that some of the artwork is located at 26029 E. Phillips Place, Aurora, Colorado.

DEFENDANT ASSETS

18. Merriman has admitted that he in fact did not invest any funds received from investor/victims, but instead used the fraudulently obtained proceeds to support his lavish lifestyle and to purchase defendant assets. Merriman has agreed to cooperate and assist in locating, identifying, and assisting in any manner to ensure that assets purchased with his fraud proceeds are seized and forfeited by the government.

19. On March 24, 2009 and March 31, 2009, United States Postal Inspectors were granted full access to Merriman's residence at 26029 East Phillips Place, Aurora, Colorado (Defendant East Phillips) for the purpose of identifying and inventorying assets purchased by Merriman with fraud proceeds. The residence consisted of the main residential house and a large outbuilding/office/garage located a short distance from the main residence. Within Defendant East Phillips, Merriman identified to inspectors the items of value he indicated he had purchased with his fraud proceeds (Defendant Fine Art). Within the outbuilding/office/garage Merriman identified the valuable items, again he stated were all purchased with proceeds from the fraud, Defendant Old Masters Fine Art, Defendant Contemporary Art, Defendant Conveyances, Defendant Sports Memorabilia, a portion of Defendant Taxidermy, and Defendant Personal Property. Merriman turned over to Inspectors bank records indicating the balances within those accounts, including Defendant E*Trade Accounts, contained the proceeds of the fraud. Merriman indicated all of the defendant assets were purchased with proceeds of his fraud, were valuable, and should be seized and sold and the money given back to his victims. Merriman further indicated that many of the valuable taxidermy pieces were located at the taxidermist located in Cody, Wyoming. Inspectors have confirmed that many pieces of Defendant Taxidermy are located at Nature's Design Taxidermy, 323 Robert Street, Cody, Wyoming and

are being held pending further instructions from the United States Marshals Service. In addition, Defendant Firearms are currently being held by a licensed firearms dealer pending further instructions. Shawn Merriman stated that the firearms were purchased with proceeds of the fraud scheme.

20. Inspectors have confirmed that the 1930 Lincoln is located at Auto Weave, 64th and Federal, Denver, Colorado, and has been partially restored and is being held pending further instructions.

21. Inspectors have confirmed that Shawn Merriman is the record title holder of defendant Idaho property, which Merriman admitted was purchased with fraud proceeds. In addition, a Toyota truck, a trailer, and a snowmobile are located at the cabin in Idaho, and as with all the other assets, Merriman admitted they were purchased with illegal fraud proceeds.

22. On numerous occasions Shawn Merriman has admitted to Inspectors that all of the defendant assets were purchased with his illegal fraud proceeds. Further, Shawn Merriman indicated that the improvements to defendant East Phillips were made with fraud proceeds. Merriman operated his illegal business solely out of defendant East Phillips. The investigation has not revealed any legitimate income since 1994 for Shawn Merriman. In addition, the investigation has revealed that Andrea Merriman, the wife of Shawn Merriman has not been employed full time for at least 20 years.

CONCLUSION

23. Shawn Merriman has admitted that he was operating an illegal investment ponzi scheme, defrauding investors of approximately \$17 to \$20 million, utilizing the United States Postal Service to mail statements, and utilizing the interstate wire communications to receive money. Merriman also admitted that he never invested victims money, and used the fraud proceeds to fund his lavish lifestyle and to purchase defendant assets.

24. In so operating this investment/ponzi scheme with the false promises of the purchase of stocks, Shawn Merriman committed securities fraud. In so utilizing the United States Postal Service and the wire services during the fraud to transmit information, materials, and funds, Shawn Merriman committed mail and wire fraud. In so conducting financial transactions, including deposits into and withdrawals from financial institutions, with the proceeds of the fraud scheme, to carry on and promote the scheme, and to conceal the nature, location, source, ownership, and control of the proceeds of the scheme Shawn Merriman committed money laundering. Defendant assets constitute the proceeds of, and were involved in, these crimes and are subject to forfeiture pursuant to 18 U.S.C. § 981.

25. Based on the foregoing, there is there is probable cause to believe that Shawn Merriman utilized the mails and wire services, in violation os 18 U.S.C. §§ 1341 and 1343, to perpetuate a fraudulent scheme; therefore, defendant assets are subject to forfeiture pursuant to 18 U.S.C. §981(a)(1)(C). In addition in conducting financial transactions with the proceeds of his fraud in violation of 18 U.S.C. §§ 1956 and 1957, therefore defendant assets are subject to forfeiture pursuant to 18 U.S.C. §981(a)(1)(A).

VERIFICATION OF ROBERT C. BARNETT, INSPECTOR,
UNITED STATES POSTAL INSPECTION SERVICE

I, Robert Barnett, hereby state and aver that I have read the foregoing Factual Basis for Forfeiture and that the facts and information contained therein are true to the best of my knowledge and belief.

s/ Robert C. Barnett
Robert C. Barnett

STATE OF COLORADO)
) SS.
CITY AND COUNTY OF DENVER)

The foregoing was subscribed and sworn to me this 2nd day of April, 2009 by United States Postal Inspection Inspector Robert C. Barnett.

s/ Pamela S. Jebens
Notary Public

My Commission Expires: 3-19-2012

FIRST CLAIM FOR RELIEF

26. The Plaintiff repeats and incorporates by reference the paragraphs above.

27. By the foregoing and other acts, Defendant Assets are the proceeds of mail fraud violations of 18 U.S.C. § 1341 and are therefore forfeited to the United States pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 1956(c)(7) (A), and 18 U.S.C. § 1961(1).

SECOND CLAIM OF RELIEF

28. The Plaintiff repeats and incorporates by references the paragraphs above.

29. By the foregoing and other acts, Defendant Assets are the proceeds of wire fraud violations of 18 U.S.C. § 1343 and are therefore forfeited to the United States pursuant to 18 U.S.C. § 981 (a)(1)(C), 18 U.S.C. § 1956 (c)(7)(A), and 18 U.S.C. § 1961(1).

THIRD CLAIM FOR RELIEF

30. The Plaintiff repeats and incorporates by references the paragraphs above.

31. By the foregoing and other acts, Defendant Assets were involved in money laundering violations of 18 U.S.C. § 1956, and are therefore forfeited to the United States pursuant to 18 U.S.C. § 981(a)(1)(A).

FOURTH CLAIM FOR RELIEF

32. The Plaintiff repeats and incorporates by reference the paragraphs above.

33. By the foregoing and other acts, Defendant Assets were involved in money laundering violations of 18 U.S.C. §1957, and are therefore forfeited to the United States pursuant to 18 U.S.C. §981(a)(1)(A).

FIFTH CLAIM FOR RELIEF

____ 34. The Plaintiff repeats and incorporates by references the paragraphs above.

35. By the foregoing and other acts, Defendant Assets are the proceeds of securities fraud violations of 15 U.S.C. § 77q(a), § 77x, §78j(b), and § 78ff, and are therefore forfeited to the United States pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 1956(c)(7)(A), and 18 U.S.C. § 1961(1).

WHEREFORE, the United States prays for entry of a final order of forfeiture for the Defendant Assets in favor of the United States, that the United States be authorized to dispose of the Defendant Assets in accordance with law, and that the Court enter a finding of probable cause for the seizure of the Defendant Assets and issue a Certificate of Reasonable Cause pursuant to 28 U.S. C. § 2465.

Dated: April 2, 2009

Respectfully submitted,
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Item #	Artist	Description
1	Ferdinand Bol	Gideon's Sacrifice c. 1640
2	Pierre Norblin	Unknown Title
3	Unkn	Saul and the Harp
4	Martin Schongauer	The Crucifixion c. 1480
5	Rembrandt Harmensz Van Rijn	The Adoration of the Shepherds a night piece c. 1652
6	Lucas Cranach the Elder	Christ Rising from the Tomb c. 1512
7	Rembrandt Harmensz Van Rijn	The Entombment c. 1654
8	Rembrandt Harmensz Van Rijn	Peter and John Healing the Cripple at the Gate of the Temple c. 1659
9	Albrecht Durer	The Nativity c. 1504
10	Rembrandt Harmensz Van Rijn	Abraham's Sacrifice c. 1655
11	Rembrandt Harmensz Van Rijn	Virgin and Child in the Clouds c. 1641
12	Rembrandt Harmensz Van Rijn	Christ Appearing to the Apostles c. 1656
13	Rembrandt Harmensz Van Rijn	St. Jerome in a Dark Chamber c. 1642
14	Rembrandt Harmensz Van Rijn	The Virgin and Child with the Cat and Snake c. 1654
15	Rembrandt Harmensz Van Rijn	Christ Driving the Money Changers From the Temple c. 1635
16	Hendrick Goltzius	Pieta c. 1596
17	Stefano Della Bella	The Flight into Egypt c. 1662
18	Rembrandt Harmensz Van Rijn	Christ Disputing with the Doctors c. 1654
19	Rembrandt Harmensz Van Rijn	The Rest on the Flight-Lightly Etched c. 1645
20	Lucas van Leyden	Abraham Dismissing Hagar c. 1516
21	Rembrandt Harmensz Van Rijn	Christ Crucified Between the Two Thieves-An Oval Plate c. 1641
22	Rembrandt Harmensz Van Rijn	The Circumcision-Small Plate c. 1630
23	Rembrandt Harmensz Van Rijn	Abraham Caressing Isaac c. 1637
24	Moses van Uytenbroeck	The Return From Egypt
25	Rembrandt Harmensz Van Rijn	The Angel Departing from the Family of Tobias c. 1641
26	Rembrandt Harmensz Van Rijn	Christ Carried to the Tomb c. 1645
27	Rembrandt Harmensz Van Rijn	The Adoration of the Shepherds with the Lamp c. 1654
28	Rembrandt Harmensz Van Rijn	The Star of Kings a Night Piece c. 1651
29	Rembrandt Harmensz Van Rijn	Abraham Casting Out Hagar and Ishmael c. 1637

GOVERNMENT
EXHIBIT

A

2025 RELEASE UNDER E.O. 14176

30	Rembrandt Harmensz Van Rijn	Christ and the Woman of Samaria Among Ruins c. 1634
31	Albrecht Durer	Virgin and Child with a Monkey
32	Albrecht Durer	Christ at the Mount of Olives c. 1508/09
33	Rembrandt Harmensz Van Rijn	The Raising of Lazarus-The Small Plate
34	Rembrandt Harmensz Van Rijn	Christ at Emmaus: The Smaller Plate c. 1634
35	Rembrandt Harmensz Van Rijn	The Flight into Egypt-A Night Piece c. 1651
36	Albrecht Durer	The Virgin and Child on a Grassy Bench c. 1503
37	Rembrandt Harmensz Van Rijn	Presentation in the Temple with the Angel-Small Plate c. 1630
38	Rembrandt Harmensz Van Rijn	The Rest on the Flight-A Night Piece c. 1644
39	Rembrandt Harmensz Van Rijn	The Flight into Egypt-Small Plate c. 1633
40	Rembrandt Harmensz Van Rijn	The Holy Family c. 1632
41	Rembrandt Harmensz Van Rijn	The Crucifixion: small plate c. 1635
42	Lucas Cranach the Elder	The Crucifixion c. 1512
43	Rembrandt Harmensz Van Rijn	The Beheading of John the Baptist c. 1640
44	Jan van Noort	Adoration of the Shepherds: A Night Piece c. 1650 (to be confirmed)
45	Rembrandt Harmensz Van Rijn	The Tribute Money c. 1635
46	Albrecht Durer	The Virgin Nursing The Child c. 1519
47	Rembrandt Harmensz Van Rijn	Joseph Telling his Dreams c. 1638
48	Rembrandt Harmensz Van Rijn	Christ Disputing with the Doctors: small plate c. 1630
49	Rembrandt Harmensz Van Rijn	Joseph's Coat Brought to Jacob c. 1633
50	Rembrandt Harmensz Van Rijn	The Stoning of Saint Stephen c. 1639
51	Johann Philipp Lemcke after J. de	The Annunciation to the Shepherds c. 1651
52	Rembrandt Harmensz Van Rijn	Descent From the Cross: A Sketch c. 1642
53	Albrecht Durer	Agony in the Garden; The Betrayal of Christ; Christ before Caiphas; Christ before Pilate;
54	Albrecht Durer	The Flagellation; Christ Crowned with Thorns; Ecce Homo; Pilate washing his Hands;
55	Albrecht Durer	Bearing of the Cross; Crucifixion; Lamentation of Christ or The Descent from the Cross; The Entombment or Deposition;
56	Albrecht Durer	Christ in Limbo; The Resurrection; St. Peter and St. John Healing the Cripple;

57	Anthony van der Does	The beheading of St John the Baptist (after Erasmus Quellinus) 1640s
58	Hendrick Goltzius	The Last Supper (from The Passion) c. 1598; Agony in the Garden (from The Passion) c. 1597; The Betrayal and Capture of Christ (from The Passion) c. 1598;
59	Hendrick Goltzius	Calvary; The Deposition; The Resurrection
60	Albrecht Durer	Adam and Eve . 1504
61	Rembrandt Harmensz Van Rijn	The Return of the Prodigal Son c. 1636
62	Barent Fabritius	Rest on the Flight into Egypt Date: c.
63	Rembrandt Harmensz Van Rijn	Christ Disputing with the Doctors: a sketch c. 1652
64	Rembrandt Harmensz Van Rijn	The Image seen by Nebuchadnezzar, an illustration to Piedra gloriosa c. 1655; Jacob's Ladder, an illustration to Piedro gloriosa c. 1655; David and Goliath, an illustration to Piedro gloriosa c. 1655; Daniels Vision of the Four Beasts, An illustration to Piedra gloriosa c. 1655;
65	Albrecht Durer	Adoration of the Magi
66	Albrecht Durer	The Annunciation (from the Life of the Virgin) c. 1503
67	Lucas van Leyden	The Raising of Lazarus c. 1507
68	Rembrandt Harmensz Van Rijn	The Death of the Virgin c. 1639
69	Rembrandt Harmensz Van Rijn	The Raising of Lazarus-The Larger Plate c. 1632
70	Jan Georg van Vliet	Saint Jerome Reading c. 1631
71	Hendrik Goudt	Tobias and the Angel c. 1613
72	Rembrandt Harmensz Van Rijn	Lieven Willemisz Van Coppelol, Writing Master: The Larger Plate c. 1658
73	Rembrandt Harmensz Van Rijn	Raising of Lazarus
74	Jan Harmensz Muller	Plate #1, Day One (from the creation of the World) c. 1590
75	Jan Harmensz Muller	Plate #2, Day Two (from the creation of the World) c. 1590
76	Jan Harmensz Muller	Plate #3, Day Three (from the creation of the World) c. 1590
77	Jan Harmensz Muller	Plate #4, Day Four (from the creation of the World) c. 1590
78	Jan Harmensz Muller	Plate #5, Day Five (from the creation of the World) c. 1590
79	Jan Harmensz Muller	Plate #6, Day Six (from the creation of the World) c. 1590
80	Rembrandt Harmensz Van Rijn	The Presentation in the Temple: Oblong print c. 1639

81	Israhel van Meckenem	The Presentation in the Temple (from the life of the Virgin) c. 1490-1500
82	Rembrandt Harmensz Van Rijn	Christ at Emmaus: The Larger Plate c. 1654
83	Lucas van Leyden	The Return of the Prodigal Son c. 1510
84	Rembrandt Harmensz Van Rijn	The Angel Appearing to the Shepherds c. 1634
85	Rembrandt Harmensz Van Rijn	The Entombment c. 1654
86	Rembrandt Harmensz Van Rijn	The Flight into Egypt: Altered from Seghers c. 1653
87	Rembrandt Harmensz Van Rijn	Descent From the Cross-By Torchlight c. 1654
88	Rembrandt Harmensz Van Rijn	The Baptism of the Eunuch
89	Rembrandt Harmensz Van Rijn	The Adoration of the Shepherds: A night piece c. 1652
90	Rembrandt Harmensz Van Rijn	The Circumcision c. 1626
91	Rembrandt Harmensz Van Rijn	The Triumph of Mordecai c. 1641
92	Jan Lievens	The Madonna and Child With the Pear
93	Willem Outgertsz Akersloot	The Denial of the Apostle Peter (after Pieter de Molyn) c. 1626
94	Willem Outgertsz Akersloot	The Seizure of Christ c. 1624
95	Rembrandt Harmensz Van Rijn	Adam and Eve c. 1638
96		17th Century Dutch Wood Frame 14 X 10
97		Fancy Dutch Frame 14 X 10 17th Century
98	Misc.	A Byzantine Steatite Relief Representing the "Great Deesis"
99	Nicolaes Lauwers	Adoration of the Magi c. 1633
100	Rembrandt Harmensz Van Rijn	Descent from the Cross - Contemporary
101	Pieter De Jode II	Baby Jesus with foot on Serpent-Standing on Globe c. 1661
102	Jan Georg van Vliet	Baptism of the Eunuch c. 1631
103	Rembrandt Harmensz Van Rijn	Descent From the Cross: The Second Plate c. 1633
104	Rembrandt Harmensz Van Rijn	Descent from the Cross: The Second Plate c. 1633
105	Rembrandt Harmensz Van Rijn	Christ Before Pilate: Large Pilate 1635/36
106	Schelle van Bolswert	The Holy Family c. 1640
107	Van Dyke	Descent from the Cross
108	Anthony van der Does	The beheading of St John the Baptist (after Erasmus Quellinus) 1640s
109	Martin Weigel	The Wedding at Cana c. 1566

110	Hendrick Goltzius	Christ Before Caiaphas (from The Passion) c. 1597; Christ Before Pilate (from The Passion) c. 1596; The Flagellation (from The Passion) c. 1597;
111	Hendrick Goltzius	Christ Crowned with Thorns (from The Passion) c. 1597; Ecce Homo (from The Passion) c. 1597; The Bearing of the Cross (from The Passion) c. 1596/97;
112	Lucas van Leyden	The Twelve Kings of Israel-Block #1, David, Solomon, Rehoboam c. 1520
113	Schelte van Bolswert	Infant Jesus Walking between Mary and Joseph c. 1640
114	Albrecht Durer	The Flagellation (from The Large Passion) c. 1510
115	Albrecht Durer	The Resurrection (from The Large Passion) c. 1510
116	Albrecht Durer	The Deposition (from The Large Passion) c. 1510
117	Albrecht Durer	Christ in Limbo (from The Large Passion) c. 1510
118	Hans Witdoeck	The Holy Family with Elizabeth and John the Baptist c. 1640
119	Jeremias Falck	Christ Carried to the Tomb or The Lamentation c. 1656
120	Hendrick Goltzius	The Adoration of the Shepherds c. 1594
121	Herman van Swanevelt	Balaam and the Ass c.
122	Pieter de Jode the Younger	Christ and Nicodemus c. 1635/40
123	Hendrik Goudt	The Flight into Egypt-A night scene c. 1613
124	Lucas Vorsterman	Lot and His Daughters c. 1620
125	Hendrik Goudt	The Flight into Egypt-A night scene c. 1613
126	Jan Harmensz Muller	The Raising of Lazarus c. 1600
127	Christoffel Jegher	The Coronation of the Virgin c. 1630
128	Christoffel Jegher	The Temptation of Christ c. 1630
129	Lucas van Leyden	The large Ecce Homo c. 1510
130	Rembrandt Harmensz Van Rijn	The Hundred Guilder Print c. 1642
131	Rembrandt Harmensz Van Rijn	Ecce Homo. Christ Presented to the People c. 1655
132	Rembrandt Harmensz Van Rijn	The Hundred Guilder Print c. 1642
133	Lucas van Leyden	The Twelve Kings of Israel-Block #4 Ahaz, Hezekiah, Manasses c. 1520

134	Lucas van Leyden	The Twelve Kings of Israel-Block #2, Abijah, Asa, Jehosafat c. 1520
135	Lucas van Leyden	The Twelve Kings of Israel-Block #3, Jehoram, Uzziah, Jotham c. 1520
136	Melchior Lorch (Lorick)	Noah's Ark ca. 1576
137	Rembrandt Harmensz Van Rijn	The Circumcision in the Stable c. 1654
138	Albrecht Durer	Nativity from Life of the Virgin
139	Rembrandt Pupil	Beheading of John the Baptist c. 1627
140	Lucas Vorsterman	The Lamentation c. 1630
141	Nicolaes De Bruyn	Naaman Washing Himself in the River Jordan c. 1607
142	Albrecht Durer	Man of Sorrows with Hands Raised c. 1500
143	Rembrandt Harmensz Van Rijn	Statue of Nebuchanezer
144	Rembrandt Harmensz Van Rijn	The Flight into Egypt-A Night Piece c. 1651
145	School of Rembrandt Harmensz. Van Rijn	Adoration of the Magi
146	Swanevelt	Flight into Egypt #1
147	Swanevelt	Flight into Egypt #2
148	Swanevelt	Flight into Egypt #3
149	Swanevelt	Flight into Egypt #4
150	Rejected Rembrandt	Angel Freeing Peter from Prison
151	Hieronymus Natalis	Copy of the Natalis Bible
152	Hieronymus Natalis	Copy of the Natalis Bible
153	Unknown	The Master of the Martyrdom St Anthony
154	Peter Paul Reubens	St Catherine
155	Unknown	Engraving #1
156	Unknown	Engraving #2
157	Student of Rembrandt	Presentation in the Temple

	Artist	Description	Quantity
1	James Jensen	Los Angeles	2
2	Alvar Sunol Munos-Ramos	Oil painting - Unknown Title	1
3	Leonard Wren	Large Manti	1
4	Guisepepe D'Angelico Pino	Steps to Eternity	2
5	Lhermette	Pastel	1
6	Guisepepe D'Angelico Pino	Heavenly Breeze	2
7	Guisepepe D'Angelico Pino	Generations	1
8	Frederick Hart	Madonna - Acrylic Sculpture	1
9	Guisepepe D'Angelico Pino	Nauvo	1
10	Dupre	Oil painting - Unknown Title	1
11	Picasso	Drawing	1
12	Picasso	La Boham	1
13	Martinos	Limited Edition	1
14	Antal Goldfinger	Flowers	1
15	James Jensen	Cockatoo	1
16	James Jensen	St George	3
17	Unknown	Venice Canal	1
18	Leonard Wren	Small Manti	1
19	Lhermette	Charcoal	1
20	Pino	A Tender Moment (copy on wall in Art Room)	1
21	Pino	A Tender Moment (original in Art Room)	1
22	Kandinski	Lithograph	1
23	Arian	Unknown	1
24	Arian	Unknown	1
25	Barry Leighton Jones	Painting, Title unknown	1
26	Purecel	Collection of 44 etchings	1



27	Frederick Hart	Bronze Bust #1	1
28	Frederick Hart	Bronze Bust #2	1
29	Frederick Hart	Bronze Bust #3	1
30	Frederick Hart	Bronze Bust #4	1
31	James Jensen	The Field is White	2
32	James Jensen	Eternity in Paradise	2
33	Antal Goldfinger	Sacred Memories	2
34	Antal Goldfinger	An Offering in Righteousness	2
35	Antal Goldfinger	Nauvoo Wedding	2
36	Aldo Luongo	Discovering Eternity	2

Vehicle	VIN	Location
Silver Aston Martin	SCFBB03B36GC01721	In garage at Aurora residence
1932 Auburn	160A1884	Top of Lift in Garage
Trailer	4FGA417217H100863	Idaho Cabin
2005 Gray Lexus LX-470	JTJHT00W153552379	Merriman's Lexus at Aurora house
1996 Harley Davidson	1HD1FDL10TY619152	Garage at Aurora residence
1937 Blue Cord	10234S	Blue, in pieces in garage at Aurora residence
1932 Ford Highboy	18230694	Main residence garage - Aurora
1936 Auburn	4653	In pieces outside garage in Aurora
1930 Lincoln	64871	Partially restored at Auto Weave, 64th and Federal
2007 Tigre 22' skiboat	TIK0374PA707	In garage at Aurora residence
Boat Trailer	1L8CALRG76A034126	In garage with boat at Aurora residence
2007 Country Coach Motorhome	4U7C9FT1671080102	In garage at Aurora residence
2007 Honda CRF450X Dirtbike	JH2PE06077K203206	In garage at Aurora residence
2004 Honda CRF50 Dirtbike	JH2AE03054K436541	In garage at Aurora residence
2007 Honda CRF70 Dirtbike	JH2DE020X7K006331	In garage at Aurora residence
2007 Honda CRF250R Dirtbike	JH2ME10317M303169	In garage at Aurora residence
2006 Bombardier Snowmobile	2BPSG6E26V000820	Idaho Cabin
Blue TTR Yamaha Dirtbike 90cc	JYACB03Y21A006981	In garage at Aurora residence
Green Kawasaki KLX 300r Dirtbike	JKALX8A194DA03344	In garage at Aurora residence
Green Kawasaki KX85 Dirtbike	JKBKXFAC73A015759	In garage at Aurora residence
John Deer Bobcat	unknown	at Aurora residence
2007 Black Toyota Tundra	unknown	Idaho Cabin
Big Tex Trailer	16VAX081441A27478	In garage at Aurora residence
Honda Pilot Buggie	JH3TE1601LK100695	In garage at Aurora residence
Honda Pilot Buggie	JH3TE1608KK000298	In garage at Aurora residence
1989-1990 Honda buggies (X2)	unknown	In garage area
Honda Buggies (X2)	unknown	Idaho Cabin



Baseball Memorabilia
9 Autographed Baseballs
19 Autographed Baseball Bats
36 Autographed Baseballs
Lou Gehrig Autographed Baseball Glove
Josh Gibson Autographed Baseball Glove
Willie Mays Jersey
Cal Ripken Jersey
Hank Aaron Jersey
Joe Jackson Batting Trophy
Mohammed Ali Autograph and Framed Picture



Firearm		Serial Number	Est. Value
Parker side by side Shotgun		2802815	\$ 2,500.00
Weatherby Mark V Synthetic		SB076827	\$ 900.00
Henry 94 .22 Long Rifle		015573	\$ 150.00
Weatherby Mark V Deluxe .300 WBY Long Gun		SB080101	\$ 1,300.00
Weatherby Athena V 12GA Shot Gun		SA267	\$ 1,800.00
Winchester 06 .22 Long Rifle Long Gun		715810	\$ 500.00
Thompson Center Black powder 54 Cal.		n/a	\$ 150.00
Winchester 06 .22 Long Rifle Long Gun		820989	\$ 200.00
Weatherby Accumark Cal .338-378 WBY Long Gun		SB049984	\$ 1,200.00
Weatherby Orion III 12 GA Shotgun		ER03682	\$ 900.00
Weatherby Dangerous Game Rifle .416 WBY Long Gun		#SB034278	\$ 1,700.00
Winchester 94 30-30 WIN Long Gun		4116805	\$ 500.00
Merkel Shotgun 20GA		0394	n/a
Weatherby Dangerous Game Rifle 375 WBY		H243508	\$ 1,500.00
PVA semi auto M 16 style Cal.5.56		43189	\$ 900.00
Colt 1911 style Hand Gun 45 Cal		SS25356	n/a
Colt Frontier Scott Hand Gun 22L.R. Youth Gun		104240F	n/a
Beretta Hand Gun 9MM		BER120194	n/a
Para Ordnance Hand Gun Cal.45		HM8019	n/a
Browning 1911 style Hand Gun 9MM		245NV61402	n/a
Colt 1911 style Hand Gun Cal .45		CT02400E	n/a
High Standard Hand Gun .22 LR		428121	n/a
Browning A5 Shot Gun 12 GA		73G27626	n/a
Stevens 94C Shotgun		n/a	\$ 50.00
Ruger 10/22 .22 LR		11945832	\$ 200.00
Winchester 70 Cal .30		54182	\$ 500.00
Weatherby Mark V Synthetic .300 WBY		SB063648	\$ 700.00
Browning M71 .243 WIN		03933M71	\$ 500.00
Browning BL-22 .22 LR		02048NN242	\$ 300.00
Weatherby Accumark .257WBY		SB023807	\$ 800.00
Ruger Hand Gun .22 LR		222-20252	n/a
Ruger 10/22 .22 LR		25034447	\$ 200.00
Austin and Hallock Black powder Rifle		0001324	n/a
Knight Black Powder Rifle		MHC0259	



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

VARIOUS PIECES OF OLD MASTERS FINE ART;

VARIOUS PIECES OF CONTEMPORARY ART;

VARIOUS PIECES OF FINE ART;

26029 EAST PHILLIPS PLACE, AURORA, COLORADO

4497 AND 4499 SHADOW RIDGE, ISLAND PARK, IDAHO

CONVEYANCES;

E*TRADE ACCOUNTS;

SPORTS MEMORABILIA;

FIREARMS;

TAXIDERMY; and

PERSONAL PROPERTY,

Defendants.

**ORDER FOR WARRANT FOR
ARREST OF PROPERTY *IN REM***

Plaintiff has instituted the *in rem* action herein and requested issuance of process. It appears to the Court from the Verified Complaint filed herein that the Court has jurisdiction over the defendant property, and it appears, for the reasons and causes set forth in the Verified

Complaint, that there is probable cause to believe the defendant property is subject to a decree of forfeiture, and that a Warrant for Arrest of the defendant property should enter.

IT IS THEREFORE ORDERED AND DECREED that a Warrant for Arrest of Property *In Rem* for the defendant property shall issue as prayed for and that the United States Marshals Service and/or any other duly authorized law enforcement officer is directed to arrest and seize the defendant property as soon as practicable, and to use whatever means may be appropriate to enter premises to locate and seize, protect, and maintain it in your custody until further order of this Court;

THAT the United States Marshals Service and/or any other duly authorized law enforcement officer shall promptly return the Warrant to the Court; and

THAT pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall post notice on an official internet government site for at least 30 consecutive days, stating that all persons claiming or asserting an interest in the defendant property must file their Claims with the Clerk of this Court pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions no later than 60 days after the first day of publication on an official internet government forfeiture site, and shall serve and file their Answers to the Verified Complaint within twenty (20) days after the filing of their Claims with the Office of the Clerk, United States

District Court for the District of Colorado, with a copy sent to Assistant United States Attorney James S. Russell, United States Attorney's Office, 1225 17th Street, Suite 700, Denver, Colorado.

DONE at Denver, Colorado, this ____ day of _____, 2009.

BY THE COURT:

UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

VARIOUS PIECES OF OLD MASTERS FINE ART;

VARIOUS PIECES OF CONTEMPORARY ART;

VARIOUS PIECES OF FINE ART;

26029 EAST PHILLIPS PLACE, AURORA, COLORADO

4497 AND 4499 SHADOW RIDGE, ISLAND PARK, IDAHO

CONVEYANCES;

E*TRADE ACCOUNTS;

SPORTS MEMORABILIA;

FIREARMS;

TAXIDERMY; and

PERSONAL PROPERTY,

Defendants.

WARRANT FOR ARREST OF PROPERTY *IN REM*

TO: UNITED STATES MARSHALS SERVICE AND/OR ANY OTHER DULY
AUTHORIZED LAW ENFORCEMENT OFFICER:

PURSUANT to the Order for Warrant for Arrest of Property *In Rem* issued by this Court,
YOU ARE HEREBY COMMANDED TO ARREST AND SEIZE as soon as practicable, the

defendant property described more fully in the Verified Complaint and Attachments thereto, and to use whatever means may be appropriate to enter premises to locate and seize, protect and maintain it in your custody until further order of this Court;

PROMPTLY TO make your return of this Warrant with the Court;

DONE at Denver, Colorado, this ___ day of _____, 2009.

GREGORY C. LANGHAM
Clerk of the United States District Court

By: _____
Deputy Clerk

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
(b) County of Residence of First Listed Plaintiff
(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Lists various legal categories and codes.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Brief description of cause:

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

Date and Attorney Signature. Date and sign the civil cover sheet.