

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Federal Trade Commission,

Plaintiff,

v.

North America Marketing and Associates, LLC,
a Nevada limited liability company;

NAMAA, LLC, a Nevada limited liability company;

TM Multimedia Marketing, LLC, a Nevada limited
liability company;

TM Multimedia Marketing, LLC, an Arizona
limited liability company;

National Opportunities, LLC, a Nevada limited
liability company;

National Opportunities, LLC, an Arizona limited
liability company;

World Wide Marketing and Associates, LLC,
a Nevada limited liability company;

Wide World of Marketing, LLC, a Nevada limited
liability company, a/k/a WWM, LLC;

Precious Metals Resource, LLC, a Nevada limited
liability company;

Guaranteed Communications, LLC, a Nevada
limited liability company;

Superior Multimedia Group, LLC, a Nevada
limited liability company;

Civil Action No.

CV-12-914-PHX-DGC

**ORDER
GRANTING
APPLICATION FOR
TEMPORARY
RESTRAINING ORDER
AND ORDER TO SHOW
CAUSE**

Date: 5/2, 2012

Time: 3:45 a.m./p.m.

UNDER SEAL

Kimberly Joy Birdsong, individually and as an officer of **TM Multimedia Marketing, LLC (Nevada)**, and as an officer of **Precious Metals Resource, LLC**;

Joseph Wayne Lowry, a/k/a Joey Lowry, Joey Lowe, individually and as a manager of **World Wide Marketing and Associates, LLC**; as a manager of **Wide World of Marketing, LLC**; as a manager of **National Opportunities, LLC (Nevada)**; as a manager of **Precious Metals Resource, LLC**; a manager of **North America Marketing and Associates, LLC**; and as a manager of **NAMAA, LLC**;

Tracy Jerome Morris, individually and as a manager of **TM Multimedia Marketing, LLC (Arizona)**;

Sarah Lynne Stapel, an individual;

Alyisse Maloi Tramel, individually and doing business as **Time Management Multimedia Marketing, LLC**, which does business as **TM Multimedia, LLC**; as an officer of **North America Marketing and Associates, LLC**; as an officer of **TM Multimedia Marketing, LLC (Nevada)**; as an officer of **NAMAA, LLC**; and as an officer of **Guaranteed Communications, LLC**;

Daniel Vigil, individually and as a manager of **National Opportunities, LLC (Arizona)**;

Defendants, and

Sheila Ann Lowry, an individual;

Carl Edward Morris, Jr., individually and as an officer of **Marketing Strategies, LLC**; and

Marketing Strategies, LLC, an Arizona limited liability company,

Relief Defendants.

Plaintiff, Federal Trade Commission (“Commission”), having filed its Complaint for a Permanent Injunction and Other Equitable Relief in this matter, under Section 13(b) of the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. § 53(b), and having moved for an *ex parte* Temporary Restraining Order and other relief under Rule 65 of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 65, and the Court, having considered the

1 Complaint, declarations, exhibits and memorandum of law filed in support thereof, and
2 now being advised in the premises, finds that:

3 **FINDINGS OF FACT**

4 1. This Court has jurisdiction over the subject matter of this case and there is
5 also good cause to believe it will have jurisdiction over the Defendants.

6 2. Venue lies properly with this Court.

7 3. There is good cause to believe that Defendants North America Marketing
8 and Associates, LLC ("NAMA"); NAMAA, LLC ("NAMAA"); TM Multimedia
9 Marketing, LLC, a Nevada limited liability company ("TMMM (Nevada)"); TM
10 Multimedia Marketing, LLC, an Arizona limited liability company ("TMMM
11 (Arizona)"); National Opportunities, LLC, a Nevada limited liability company ("NO
12 (Nevada)"); National Opportunities, LLC, an Arizona limited liability company ("NO
13 (Arizona)"); World Wide Marketing and Associates, LLC ("WWMA"); Wide World of
14 Marketing, LLC ("Wide World"); Precious Metals Resource, LLC ("PMR"); Guaranteed
15 Communications, LLC ("GC"); Superior Multimedia Group, LLC ("SMG"); Kimberly
16 Joy Birdsong; Joseph Wayne Lowry; Tracy Jerome Morris; Sarah Lynne Stapel; Alyisse
17 Maloi Tramel; and Daniel Vigil have engaged in, and are likely to engage in, acts and
18 practices that violate Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and that
19 Commission is likely to prevail on the merits of this action.

20 4. There is good cause to believe that immediate and irreparable damage to the
21 Court's ability to grant effective final relief for consumers – including rescission or
22 reformation of contracts, restitution, the refund of monies paid, and the disgorgement of
23 ill-gotten monies – will occur from the sale, transfer, or other disposition or concealment
24 by Defendants of assets or records if Defendants are provided with advance notice of this
25 Order, and that therefore in accordance with Fed. R. Civ. P. 65(b), the interests of justice
26 require that this Order be granted without prior notice to Defendants.

27 5. There is good cause to believe that the Corporate Defendants and the
28 Individual Defendants transferred substantial amounts of money they obtained from

1 consumers to Relief Defendants Sheila Ann Lowry, Carl Edward Morris, Jr., and
2 Marketing Strategies, LLC, and Relief Defendants have no legitimate claim to those
3 funds.

4 6. There is good cause for relieving Commission of the duty to provide
5 Defendants with prior notice of Commission's application.

6 7. Good cause exists for the appointment of a Temporary Receiver over
7 Corporate Defendants NAMA, NAMAA, TMMM (Nevada), TMMM (Arizona), NO
8 (Nevada), NO (Arizona), WWMA, Wide World, PMR, GC, and SMG.

9 8. Considering Commission's likelihood of ultimate success and weighing the
10 equities, a Temporary Restraining Order with an asset freeze, appointment of a
11 Temporary Receiver, and other equitable relief is in the public interest.

12 9. No security is required of any agency of the United States for issuance of a
13 restraining order. Fed. R. Civ. P. 65(c).

14 DEFINITIONS

15 For purposes of this Temporary Restraining Order, the following definitions shall
16 apply:

17 A. **Asset** means any legal or equitable interest in, right to, or claim to, any
18 real or personal property, including, but not limited to, "goods," "instruments,"
19 "equipment," "fixtures," "general intangibles," "inventory," "checks," or "notes" (as
20 these terms are defined in the Uniform Commercial Code), lines of credit, chattels,
21 leaseholds, contracts, mail or other deliveries, shares of stock, lists of consumer names,
22 accounts, credits, premises, receivables, funds, and cash, wherever located.

23 B. **"Assisting others"** includes, but is not limited to: (1) performing customer
24 service functions, including, but not limited to, receiving or responding to consumer
25 complaints; (2) formulating or providing, or arranging for the formulation or provision of,
26 any sales script or other marketing material; (3) providing names of, or assisting in the
27 generation of, potential customers; (4) performing marketing or billing services of any
28

kind; (5) acting as an officer or director of a business entity; or (6) providing telemarketing services.

C. **“Corporate Defendants”** means NAMA, NAMAA, TMMM (Nevada), TMMM (Arizona), NO (Nevada), NO (Arizona), WWMA, Wide World, PMR, GC, and SMG.

D. **“Defendants”** means (a) each Corporate Defendant, (b) each Individual Defendant, and (c) each Relief Defendant, and each of them, by whatever names each might be known by, as well as their successors and assigns, whether acting directly or through any corporation, subsidiary, division, or other device, including, but not limited to, fictitious business names.

E. **“Document”** or **“electronically stored information”** is synonymous in meaning and equal in scope to the usage of the terms in Rule 34(a) of the Federal Rules of Civil Procedure and includes:

1. The original or a true copy of any written, typed, printed, electronically stored, transcribed, taped, recorded, filmed, punched, or graphic matter or other data compilations of any kind, including, but not limited to, letters, email or other correspondence, messages, memoranda, interoffice communications, notes, reports, summaries, manuals, magnetic tapes or discs, tabulations, books, records, checks, invoices, work papers, journals, ledgers, statements, returns, reports, schedules, or files; and

2. Any electronically stored information stored on any Smartphones, flash drives, telephones, personal digital assistants (“PDAs”), desktop personal computers and workstations, laptops, notebooks, and other portable computers, or other electronic storage media, whether assigned to individuals or in pools of computers available for shared use; and home computers used for work-related purposes; backup disks and tapes, archive disks and tapes, and other forms of offline storage, whether stored onsite with the computer used to generate them, stored offsite in another company facility, or stored, hosted, or otherwise

1 maintained offsite by a third-party; and computers and related offline storage used
2 by Defendants or Defendants' participating associates, which may include persons
3 who are not employees of the company or who do not work on company premises.

4 F. **“Electronic data host”** means any person or entity that stores, hosts, or
5 otherwise maintains electronically stored information or computer equipment.

6 G. **“Financial institution”** means any bank, savings and loan institution,
7 credit union, or any financial depository of any kind, including, but not limited to, any
8 brokerage house, trustee, broker-dealer, escrow agent, title company, commodity trading
9 company, or precious metal dealer.

10 H. **“Individual Defendants”** refers to Defendants Kimberly Joy Birdsong,
11 Joseph Wayne Lowry, Tracy Jerome Morris, Sarah Lynne Stapel, Alyisse Maloi Tramel,
12 and Daniel Vigil.

13 I. **“Material fact”** means any fact that is likely to affect a person’s choice of,
14 or conduct regarding, goods or services.

15 J. **“Person”** means a natural person, organization, or other legal entity,
16 including a corporation, partnership, sole proprietorship, limited liability company,
17 association, cooperative, or any other group or combination acting as an entity.

18 K. **“Mail”** includes, but is not limited to, all envelopes, papers, or other items
19 delivered, whether by United States Mail, United Parcel Service, FedEx, electronic mail,
20 or similar delivery service.

21 L. **“Receivership Defendants”** refers to the Corporate Defendants, as well as
22 any successors, assigns, affiliates, and subsidiaries that conduct any business related to
23 the Corporate Defendants’ home-based Internet business opportunities and which the
24 Temporary Receiver has reason to believe are owned or controlled in whole or in part by
25 any of the Defendants.

26 M. **“Relief Defendants”** refers to Defendants Sheila Ann Lowry, Carl Edward
27 Morris, Jr., and Marketing Strategies, LLC.

28 N. **“Temporary Receiver”** refers to the receiver identified in Paragraph XVI.

ORDER

PROHIBITIONS AND CONDUCT REQUIREMENTS

I. INJUNCTION AGAINST MISREPRESENTATIONS

IT IS THEREFORE ORDERED that Corporate Defendants and Individual Defendants, and their successors, assigns, members, officers, agents, servants, employees, and attorneys, and those persons or entities in active concert or participation with them who receive actual notice of this Order by personal service, facsimile transmission, email, or otherwise, whether acting directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, marketing, promotion, offering for sale or sale of any home-based Internet business opportunity, are temporarily restrained and enjoined from:

A. Falsely representing, or assisting others who are falsely representing, expressly or by implication, the following:

1. That consumers who purchase and use the website sold by Defendants are likely to earn substantial income;

2. That consumers who purchase and use the advertising package sold by Defendants will quickly earn back the cost, or substantially more than the cost, of the advertising package;

B. Misrepresenting or assisting others in misrepresenting, expressly or by implication, that their business experts, business professionals, and marketing coaches will provide purchasers with substantial assistance in operating their home-based Internet businesses;

C. Misrepresenting or assisting others in misrepresenting, either orally or in writing, expressly or by implication, any material aspect of the performance, efficacy, nature, or central characteristic of any home-based Internet business opportunity;

D. Making or assisting others in making, either orally or in writing, expressly or by implication, false or misleading statements to induce consumers to pay for any home-based Internet business opportunity;

1 E. Misrepresenting or assisting others in misrepresenting, either orally or in
2 writing, expressly or by implication, any material fact to a consumer's decision to
3 purchase any home-based Internet business opportunity; and

4 F. Any other material fact.

5 **II. PROHIBITION ON RELEASE OF CUSTOMER INFORMATION OR**
6 **CUSTOMER LISTS**

7 **IT IS FURTHER ORDERED** that Defendants and their successors, assigns,
8 members, officers, agents, servants, employees, and attorneys, and those persons or
9 entities in active concert or participation with them who receive actual notice of this
10 Order by personal service, facsimile transmission, email, or otherwise, whether acting
11 directly or through any corporation, subsidiary, division, or other device, are temporarily
12 restrained and enjoined from selling, renting, leasing, transferring, or otherwise disclosing
13 the name, address, telephone number, Social Security number, credit card number, bank
14 account number, email address, or other identifying information of any person who paid
15 money to any of the Defendants for the purchase of any good or service or who were
16 contacted or are on a list to be contacted by any of the Defendants; provided that
17 Defendants may disclose such identifying information to a law enforcement agency or as
18 required by any law, regulation, or court order.

19 **III. DISABLEMENT OF DEFENDANTS' WEBSITES**

20 **IT IS FURTHER ORDERED** that, immediately upon service of this Order upon
21 them, Defendants and their successors, assigns, members, officers, agents, servants,
22 employees, and attorneys, and those persons or entities in active concert or participation
23 with them who receive actual notice of this Order by personal service, facsimile
24 transmission, email, or otherwise, whether acting directly or through any corporation,
25 subsidiary, division, or other device, in connection with the advertising, marketing,
26 promotion, offering for sale or sale of any home-based Internet business opportunity,
27 shall:
28

1 A. Immediately do whatever is necessary to ensure that the existing content of
 2 any website used by Defendants for the advertising, marketing, promotion, offering for
 3 sale, sale, or provision of any home-based Internet business opportunity, including, but
 4 not limited to, the websites whose addresses are listed on Attachment A, and containing
 5 statements or representations prohibited by Paragraph I. of this Order, cannot be accessed
 6 or modified by the public, except as permitted by Paragraph IV, below;

7 B. Prevent the destruction or erasure of any website used by Defendants for the
 8 advertising, marketing, promotion, offering for sale, sale, or provision of any home-based
 9 Internet business opportunity, including, but not limited to, the websites whose addresses
 10 are listed on Attachment A, by preserving such websites in the format in which they are
 11 maintained currently; and

12 C. Immediately notify counsel for the Commission of any other websites
 13 operated or controlled by Defendants.

14 **IV. POSTING NOTICE OF LAWSUIT ON WEBSITES**

15 **IT IS FURTHER ORDERED** that Defendants and their successors, assigns,
 16 members, officers, agents, servants, employees, and attorneys, and those persons or
 17 entities in active concert or participation with them who receive actual notice of this
 18 Order by personal service, facsimile transmission, email, or otherwise, whether acting
 19 directly or through any corporation, subsidiary, division, or other device, in connection
 20 with the advertising, marketing, promotion, offering for sale or sale of any home-based
 21 Internet business opportunity, shall immediately take whatever action is necessary to
 22 ensure that any website covered by Paragraph III.A. of this Order, shall prominently
 23 display only the following statement:

24 The Federal Trade Commission ("Commission") has filed a lawsuit against
 25 North America Marketing and Associates, LLC; NAMAA, LLC; TM
 26 Multimedia Marketing, LLC, a Nevada limited liability company; TM
 27 Multimedia Marketing, LLC, an Arizona limited liability company;
 28 National Opportunities, LLC, a Nevada limited liability company; National

1 Opportunities, LLC, an Arizona limited liability company; World Wide
2 Marketing and Associates, LLC; Wide World of Marketing, LLC; Precious
3 Metals Resource, LLC; Guaranteed Communications, LLC; Superior
4 Multimedia Group, LLC; Kimberly Joy Birdsong; Joseph Wayne Lowry;
5 Tracy Jerome Morris; Sarah Lynne Stapel; Alyisse Maloi Tramel; and
6 Daniel Vigil, alleging that they have engaged in deceptive practices relating
7 to the advertising, marketing, promotion, offering for sale, sale, or provision
8 of home-based Internet business opportunities. The U. S. District Court for
9 the District of Arizona has issued a Temporary Restraining Order
10 prohibiting the alleged acts and practices. You may obtain additional
11 information directly from the Temporary Receiver, _____, or the
12 Commission.

13 Each website carrying this message shall also provide a hypertext link to the
14 Commission's web page at www.ftc.gov, or other web page designated by counsel for the
15 Commission.

16 **V. FREEZING DOMAIN NAME REGISTRATION**

17 **IT IS FURTHER ORDERED** that pending determination of Commission's
18 request for a Preliminary Injunction, GoDaddy.com, Inc., headquartered in Scottsdale,
19 Arizona, and any other domain name registrar shall:

20 A. Immediately freeze and place a hold on, to prevent the change,
21 modification, assignment, sale, lapse, or expiration of, the domain name registration of
22 the websites whose addresses are listed on Attachment A, and any other domain name
23 registered to Defendants that is used for the marketing, advertising, promotion, offering
24 for sale, sale, or provision of home-based Internet business opportunities; and

25 B. Immediately notify counsel for the Commission of any other domain name
26 registrations or websites operated or controlled by Defendants.

ASSET AND RECORD RETENTION**VI. ASSET FREEZE**

IT IS FURTHER ORDERED that Defendants and their officers, agents, servants, employees, and attorneys, and those persons or entities in active concert or participation with them, who receive actual notice of this Order by personal service, facsimile transmission, email, or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other device, or any of them, except as provided herein, as stipulated by parties, or as directed by further order of the Court, are temporarily restrained and enjoined from:

A. Transferring, liquidating, converting, encumbering, pledging, loaning, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, granting a lien or security interest or other interest in, or otherwise disposing of any funds, real or personal property, accounts, contracts, shares of stock, lists of consumer names, or other assets, or any interest therein, wherever located, including outside the territorial United States, that are:

1. owned, controlled, or held by, in whole or in part, for the benefit of, or subject to access by, or belonging to, any of Defendant;

2. in the actual or constructive possession of any Defendant; or

3. in the actual or constructive possession of, or owned, controlled, or held by, or subject to access by, or belonging to, any other corporation, partnership, trust, or any other entity directly or indirectly owned, managed, or controlled by, or under common control with, any Defendant, including, but not limited to, any assets held by or for any Defendant in any account at any bank or savings and loan institution, or with any credit card processing agent, automated clearing house processor, network transaction processor, bank debit processing agent, customer service agent, commercial mail receiving agency, or mail holding or forwarding company, or any credit union, retirement fund custodian, money market or mutual fund, storage company, trustee, or with any broker-dealer,

1 escrow agent, title company, commodity trading company, precious metal dealer,
2 or other financial institution or depository of any kind, either within or outside the
3 territorial United States;

4 B. Opening or causing to be opened any safe deposit boxes, commercial mail
5 boxes, or storage facilities titled in the name of any Defendant, or subject to access by any
6 Defendant or under any Defendant's control, without providing the Commission prior
7 notice and an opportunity to inspect the contents in order to determine that they contain
8 no assets covered by this Paragraph;

9 C. Cashing any checks or depositing any payments from customers or clients
10 of Defendants;

11 D. Incurring charges or cash advances on any credit card issued in the name,
12 singly or jointly, of any Defendant; or

13 E. Incurring liens or encumbrances on real property, personal property, or
14 other assets in the name, singly or jointly, of any Defendant or any corporation,
15 partnership, or other entity directly or indirectly owned, managed, or controlled by any
16 Defendant.

17 The funds, property, and assets affected by this Paragraph shall include both
18 existing assets and assets acquired after the effective date of this Order.

19 **VII. DUTIES OF ASSET HOLDERS**

20 **IT IS FURTHER ORDERED** that any financial institution, business entity, or
21 person maintaining or having custody or control of any account or other asset of any
22 Defendant, or any corporation, partnership, or other entity directly or indirectly owned,
23 managed, or controlled by, or under common control with any Defendant, which is served
24 with a copy of this Order, or otherwise has actual or constructive knowledge of this
25 Order, shall:

26 A. Hold and retain within its control and prohibit the withdrawal, removal,
27 assignment, transfer, pledge, hypothecation, encumbrance, disbursement, dissipation,
28

1 conversion, sale, liquidation, or other disposal of any of the assets, funds, documents, or
2 other property held by, or under its control:

3 1. on behalf of, or for the benefit of, any Defendant or any other party
4 subject to Paragraph VI, above;

5 2. in any account maintained in the name of, or for the benefit of, or
6 subject to withdrawal by, any Defendant or other party subject to Paragraph VI,
7 above; and

8 3. that are subject to access or use by, or under the signatory power of,
9 any Defendant or other party subject to Paragraph VI, above;

10 B. Deny Defendants access to any safe deposit boxes or storage facilities that
11 are either:

12 1. titled in the name, individually or jointly, of any Defendant, or other
13 party subject to Paragraph VI, above; or

14 2. subject to access by any Defendant or other party subject to
15 Paragraph VI, above;

16 C. Provide the Commission, within five (5) days of the date of service of this
17 Order, a sworn statement setting forth:

18 1. The identification number of each account or asset titled in the name,
19 individually or jointly, of any Defendant, or held on behalf of, or for the benefit of,
20 any Defendant or other party subject to Paragraph VI, above, including all trust
21 accounts managed on behalf of any Defendant or subject to any Defendant's
22 control;

23 2. The balance of each such account, or a description of the nature and
24 value of such asset;

25 3. The identification and location of any safe deposit box, commercial
26 mail box, or storage facility that is either titled in the name, individually or jointly,
27 of any Defendant, or is otherwise subject to access or control by any Defendant or
28 other party subject to Paragraph VI, above, whether in whole or in part; and

1 4. If the account, safe deposit box, storage facility, or other asset has
2 been closed or removed, the date closed or removed and the balance on said date;

3 D. Allow representatives of Commission immediate access to inspect and
4 copy, or upon Commission's request, within five (5) business days of said request,
5 provide the Commission with copies of, all records or other documentation pertaining to
6 each such account or asset, including, but not limited to, originals or copies of account
7 applications, account statements, corporate resolutions, signature cards, checks, drafts,
8 deposit tickets, transfers to and from the accounts, all other debit and credit instruments or
9 slips, currency transaction reports, 1099 forms, and safe deposit box logs; and

10 E. This Paragraph shall apply to existing accounts and assets, assets deposited
11 or accounts opened after the effective date of this Order, and any accounts or assets
12 maintained, held or controlled two years prior to the effective date of this Order. This
13 Paragraph shall not prohibit transfers in accordance with any provision of this Order, any
14 further order of the Court, or by written agreement of the parties.

15 **VIII. REPATRIATION OF ASSETS AND DOCUMENTS LOCATED IN**
16 **FOREIGN COUNTRIES**

17 **IT IS FURTHER ORDERED** that Defendants shall:

18 A. Within three (3) business days following service of this Order, take such
19 steps as are necessary to repatriate to the territory of the United States of America all
20 documents and assets that are located outside such territory and are held by or for
21 Defendants or are under Defendants' direct or indirect control, jointly, severally, or
22 individually;

23 B. Within three (3) business days following service of this Order, provide the
24 Commission with a full accounting of all documents and assets that are located outside of
25 the territory of the United States of America or that have been transferred to the territory
26 of the United States of America pursuant to Subparagraph A, above and are held by or for
27 any Defendant or are under any Defendant's direct or indirect control, jointly, severally,
28 or individually, including the addresses and names of any foreign or domestic financial

1 institution or other entity holding the documents and assets, along with the account
2 numbers and balances;

3 C. Hold and retain all such documents and assets and prevent any transfer,
4 disposition, or dissipation whatsoever of any such documents or assets; and

5 D. Within three (3) business days following service of this Order, provide the
6 Commission access to Defendants' records and documents held by financial institutions
7 or other entities outside the territorial United States, by signing and delivering to
8 Commission's counsel the Consent to Release of Financial Records attached to this Order
9 as Attachment B.

10 **IX. INTERFERENCE WITH REPATRIATION**

11 **IT IS FURTHER ORDERED** that Defendants and their successors, assigns,
12 members, officers, agents, servants, employees, and attorneys, and those persons or
13 entities in active concert or participation with them who receive actual notice of this
14 Order by personal service, facsimile transmission, email, or otherwise, whether acting
15 directly or through any corporation, subsidiary, division, or other device, are temporarily
16 restrained and enjoined from taking any action, directly or indirectly, which may result in
17 the encumbrance or dissipation of foreign assets, or in the hindrance of the repatriation
18 required by Paragraph VIII. of this Order, including, but not limited to:

19 A. Sending any statement, letter, fax, email or wire transmission, telephoning,
20 or engaging in any other act, directly or indirectly, that results in a determination by a
21 foreign trustee or other entity that a "duress" event has occurred under the terms of a
22 foreign trust agreement until such time as all assets have been fully repatriated pursuant to
23 Paragraph VIII. of this Order; or

24 B. Notifying any trustee, protector, or other agent of any of the Defendants of
25 the existence of this Order, or of the fact that repatriation is required pursuant to a Court
26 Order, until such time as all assets have been fully repatriated pursuant to Paragraph VIII.
27 of this Order.

28

RECORD KEEPING PROVISIONS

X. FINANCIAL STATEMENTS AND ACCOUNTING

IT IS FURTHER ORDERED that within five (5) business days following the service of this Order:

A. Each Individual Defendant shall prepare and deliver to Commission counsel a completed financial statement on the form captioned "Financial Statement of Individual Defendant," which is attached to this Order as Attachment C;

B. Unless otherwise agreed upon with Commission counsel and the Temporary Receiver, Defendants shall also prepare and deliver to Commission counsel a completed financial statement on the form captioned "Financial Statement of Corporate Defendant," which is attached to this Order as Attachment D, for each Corporate Defendant, and for each business entity owned, controlled or managed by the Individual Defendants, regardless of whether it is a defendant in this case. The financial statements shall be accurate as of the date and time of entry of this Order; and

C. Each Defendant shall also prepare and deliver to Commission counsel:

1. A completed statement, verified under oath:

a. specifying the name and address of each financial institution and brokerage firm at which the Defendant has accounts or safe deposit boxes. Said statements shall include assets held in foreign as well as domestic accounts; and

b. listing all persons who have received payments, transfers, or assignment of funds, assets, or property which total \$10,000 or more in any twelve-month period since January 1, 2006. This list shall specify: (a) the amount(s) transferred or assigned; (b) the name of each transferee or assignee; (c) the date of the assignment or transfer; and (d) the type and amount of consideration paid to the Defendant;

1 2. For each home-based Internet business opportunity advertised,
2 marketed, promoted, offered for sale, or sold by the Defendants, a detailed
3 accounting, verified under oath, of:

4 a. all gross revenues obtained from the sale of each such good or
5 service (broken down by month and year) from January 1, 2006, through
6 the date of the issuance of this Order;

7 b. all net profits obtained from the sale of each such good or
8 service (broken down by month and year) from January 1, 2006, through
9 the date of the issuance of this Order;

10 c. the total amount of each such good or service sold (broken
11 down by month and year) from January 1, 2006, through the date of the
12 issuance of this Order; and

13 d. the full name, address, and telephone number of every
14 purchaser or recipient of each such good or service, and the amount paid by
15 each, from January 1, 2006, through the date of the issuance of this Order.

16 **XI. RECORDS MAINTENANCE AND NEW BUSINESS ACTIVITY**

17 **IT IS FURTHER ORDERED** that Defendants, and their officers, agents,
18 servants, employees, attorneys, and all other persons in active concert or participation
19 with any of them, who receive actual notice of this Order by personal service or
20 otherwise, whether acting directly or through any trust, corporation, subsidiary, division,
21 or other device, or any of them, are temporarily restrained and enjoined from:

22 A. Failing to create and maintain books, records, accounts, bank statements,
23 current accountants' reports, general ledgers, general journals, cash receipt ledgers, cash
24 disbursement ledgers and source documents, documents indicating title to real or personal
25 property, electronically stored information, and any other data which, in reasonable detail,
26 accurately, fairly and completely reflect the incomes, disbursements, transactions,
27 dispositions, and uses of the Defendants' assets;

1 B. Destroying, erasing, mutilating, concealing, altering, transferring, or
2 otherwise disposing of, in any manner, directly or indirectly, any documents, including
3 electronically stored information, that relate in any way to the business practices or
4 business or personal finances of Defendants; to the business practices or finances of
5 entities directly or indirectly under the control of Defendants; or to the business practices
6 or finances of entities directly or indirectly under common control with any other
7 Defendant; and

8 C. Creating, operating, or exercising any control over any new business entity,
9 whether newly formed or previously inactive, including any partnership, limited
10 partnership, joint venture, sole proprietorship, or corporation, without first providing the
11 Commission with a written statement disclosing: (1) the name of the business entity; (2)
12 the address and telephone number of the business entity; (3) the names of the business
13 entity's officers, directors, principals, managers, and employees; and (4) a detailed
14 description of the business entity's intended activities.

15 **XII. CONSUMER CREDIT REPORTS**

16 **IT IS FURTHER ORDERED** that, under Section 604(1) of the Fair Credit
17 Reporting Act, 15 U.S.C. § 1681b(1), any consumer reporting agency may furnish to the
18 Commission and the Temporary Receiver a consumer report concerning any of the
19 Defendants.

20 **XIII. PRESERVATION OF EXISTING RECORDS**

21 **IT IS FURTHER ORDERED** that Defendants and their successors, assigns,
22 members, officers, agents, servants, employees, and attorneys, and those persons or
23 entities in active concert or participation with them who receive actual notice of this
24 Order by personal service, facsimile transmission, email, or otherwise, whether acting
25 directly or through any corporation, subsidiary, division, or other device, are temporarily
26 restrained and enjoined from destroying, erasing, mutilating, concealing, altering,
27 transferring, or otherwise disposing of, in any manner, directly or indirectly, any
28 contracts, accounting data, correspondence, email, advertisements, computer tapes, discs,

1 electronically stored information, or other computerized storage media, books, written or
2 printed records, handwritten notes, telephone logs, telephone scripts, recordings, receipt
3 books, ledgers, personal and business cancelled checks and check registers, bank
4 statements, appointment books, copies of federal, state or local business or personal
5 income or property tax returns, and other documents or records of any kind related to the
6 business practices or business or personal finances of Defendants, individually and
7 jointly.

8 This Paragraph specifically applies to all documents that have been or are
9 displayed on or have been or are accessible from any and all Internet websites owned or
10 controlled by any Defendant or electronic data host, including but not limited to any of
11 the websites whose addresses are listed on Attachment A.

12 **XIV. DUTIES OF ELECTRONIC DATA HOSTS**

13 **IT IS FURTHER ORDERED** that pending determination of Commission's
14 request for a Preliminary Injunction, any electronic data host for Defendants shall:

15 A. Discontinue the provision of products and services to any Defendant or any
16 other person using a Defendant's account, and take no step to provide products or
17 services to any Defendant except as authorized by further order of this Court;

18 B. Disconnect any such computer equipment from the Internet and from any
19 other means of remote access by Defendants or any other person, and take no step to
20 reconnect the computer equipment except as authorized by further order of this Court;

21 C. Deny Defendants and any other person access to Defendants' accounts for
22 computer products and services except as authorized by further order of this Court;

23 D. Deny Defendants and any other person access to the computer equipment
24 except as authorized by further order of this Court;

25 E. Prevent the modification or removal of Defendants' electronically stored
26 information or computer equipment from its present location except as authorized by
27 further order of this Court; and
28

1 F. Provide counsel for the Commission, within five (5) business days of
2 receipt of a copy of this Order, with a sworn statement disclosing the identity of any
3 electronic data host, and the location of the computer equipment, and describing, to the
4 extent known, the make(s) and model(s) of the computer equipment, as well as the
5 operating system(s) in use, and the number, size, and capacity of any mass storage arrays
6 or devices, in order that the Commission may arrange for imaging of the contents of any
7 such mass storage arrays or devices.

8 **XV. IMMEDIATE ACCESS TO DEFENDANTS' BUSINESS PREMISES AND**
9 **RECORDS**

10 **IT IS FURTHER ORDERED** that:

11 A. Defendants and their successors, assigns, members, officers, agents,
12 servants, employees, and attorneys, and those persons or entities in active concert or
13 participation with them who receive actual notice of this Order by personal service,
14 facsimile transmission, email, or otherwise, whether acting directly or through any
15 corporation, subsidiary, division, or other device, and the Temporary Receiver, shall
16 immediately identify to Commission's counsel and the Temporary Receiver:

- 17 1. All of Defendants' business premises;
- 18 2. Any non-residence premises where any Defendant conducts
19 business, sales operations, or customer service operations;
- 20 3. Any non-residence premises where documents or electronically
21 stored information related to the business, sales operations, or customer
22 service operations of any Defendant are hosted, stored, or otherwise
23 maintained, including but not limited to the name and location of any
24 electronic data hosts; and
- 25 4. Any non-residence premises where assets belonging to any
26 Defendant are stored or maintained.

27 B. Allow the Commission's representatives, agents, and assistants immediate
28 access to the business premises, mail drops, storage facilities, electronically stored

1 information, and all other business locations owned, controlled, or used by Defendants,
2 including, but not limited to business premises at the following street address: 1400
3 Glenarm Place, Suite 301, Denver, Colorado 80202. The purpose of the access shall be to
4 effect service and to inspect and copy materials relevant to this action. The Commission
5 shall have the right to remove documents from Defendants' premises in order that they
6 may be inspected, inventoried, and copied. The Commission shall return any such
7 removed documents within five (5) business days, or such time-period that is agreed upon
8 by the Commission and Defendants. Defendants, to the extent they are in possession of
9 documents and electronically stored information relevant to this action, shall provide the
10 Commission with the means necessary to access these documents and electronically
11 stored information, including without limitation keys and combinations to locks,
12 computer access codes, and storage area access information;

13 C. The Temporary Receiver shall subsequently allow the Commission's
14 representatives and Defendants and their representatives reasonable access to the business
15 premises of the Receivership Defendants. The purpose of this access shall be to inspect
16 and copy any and all books, records, accounts, electronically stored information, and
17 other property owned by or in the possession of the Receivership Defendants. The
18 Temporary Receiver shall have the discretion to determine the time and manner of this
19 access; and

20 D. If, at the time of service of this Order, any records, electronically stored
21 information, or property relating to Receivership Defendant, or to any Defendant's assets
22 are located in the personal residence of any of the Individual Defendants, or in any other
23 non-business location under the personal control of any of the Individual Defendants,
24 then such Defendant(s) shall, within forty-eight (48) hours of service of this Order,
25 produce to the Commission, at a location designated by the Commission, the following:

26 1. All contracts, accounting data, written or electronic correspondence,
27 advertisements, computer tapes, discs, electronically stored information, or other
28 computerized or electronic records, books, written or printed records, handwritten

notes, telephone logs, telephone scripts, telephone bills, receipt books, ledgers, customer records and lists, refund records, receipts, ledgers, bank records (including personal and business monthly statements, canceled checks, records of wire transfers, and check registers), appointment books, copies of federal, state, and local business or personal income or property tax returns, 1099 forms, title records, and other documents or records of any kind related to Defendants' business and assets; and

2. All computers, electronically stored information, and data in whatever form, used by Defendants, in whole or in part, relating to Defendants' business and assets.

RECEIVERSHIP

XVI. APPOINTMENT OF TEMPORARY RECEIVER

IT IS FURTHER ORDERED that: Robb Evans & Assoc. LLC is appointed Temporary Receiver for the Receivership Defendants, as well as for any successors, assigns, affiliates, and subsidiaries that conduct any business related to Defendants' home-based Internet business opportunities, and which the Temporary Receiver has reason to believe are owned or controlled in whole or in part by any of the Receivership Defendants, with the full power of an equity receiver. The Temporary Receiver shall be the agent of this Court and solely the agent of this Court in acting as Temporary Receiver under this Order. The Temporary Receiver shall be accountable directly to this Court. The Temporary Receiver shall comply with all Local Rules of this Court governing receivers.

XVII. RECEIVERSHIP DUTIES

IT IS FURTHER ORDERED that the Temporary Receiver is directed and authorized to perform and accomplish the following:

A. Assume full control of the Receivership Defendants by removing Defendants Kimberly Joy Birdsong, Joseph Wayne Lowry, Tracy Jerome Morris, Sarah Lynne Stapel, Alyisse Maloi Tramel, Daniel Vigil, and any other officer, manager,

1 independent contractor, employee, or agent of the Receivership Defendants from control
2 and management of the affairs of the Receivership Defendants;

3 B. Collect, marshal, and take custody, control and possession of all the funds,
4 property, premises, accounts, mail, and other assets of, or in the possession or under the
5 control of the Receivership Defendants, wherever situated, the income and profits, and all
6 sums of money now or hereafter due or owing to the Receivership Defendants with full
7 power to: collect, receive, and take possession of all goods, chattels, rights, credits,
8 monies, effects, lands, leases, books and records, work papers, records of accounts,
9 including computer-maintained information and electronically stored information,
10 contracts, financial records, monies on hand in banks and other financial institutions, and
11 other papers and documents of the Receivership Defendants and other individuals or
12 corporations whose interests are now held by or under the direction, possession, custody
13 or control of the Receivership Defendants;

14 C. Collect, marshal, and take custody, control, and possession of all
15 electronically stored information maintained or stored on any Smartphones, flash drives,
16 telephones, PDAs, desktop personal computers and workstations, laptops, notebooks, and
17 other portable computers, or other electronic storage media, whether personal or business,
18 for the purposes of the Temporary Receiver to determine whether such device contains
19 electronically stored information relating to the Receivership Defendants' business
20 practices. The Temporary Receiver shall make available for copying and imaging by
21 Plaintiff and Defendants all business related electronically stored information maintained
22 or stored on such devices.

23 D. Perform all acts necessary to conserve, hold, manage, and preserve the
24 value of those assets in order to prevent any irreparable loss, damage and injury to
25 business venture purchasers, and all acts incidental thereto, including the suspension of
26 operations;

27 E. Perform all acts necessary to ensure that the Receivership Defendants are in
28 compliance with the provisions of this Order, including ceasing all advertising,

1 marketing, offering, or providing home-based Internet business opportunities, or assisting
2 others in doing the same, which contains any false or misleading statements of material
3 fact or which fail to disclose all information material to a consumer's decision to seek the
4 services of the Defendants;

5 F. Make best efforts to notify the Receivership Defendants' customers about
6 this Order, such efforts can include posting this Order on the Receivership Defendants'
7 websites; and

8 G. Enter into agreements in connection with administration of the receivership,
9 including, but not limited to:

10 1. the retention and employment of investigators, attorneys, or
11 accountants of the Temporary Receiver's choice, including, without limitation,
12 members and employees of the Temporary Receiver's firm, to assist, advise, and
13 represent the Temporary Receiver; and

14 2. the movement and storage of any equipment, furniture, records, files,
15 or other physical property of the Receivership Defendants.

16 H. Institute, prosecute, compromise, adjust, intervene in, or become party to
17 such actions or proceedings in state, federal, or foreign courts that the Temporary
18 Receiver deems necessary and advisable to preserve the value of the properties of the
19 Receivership Defendants or that the Temporary Receiver deems necessary and advisable
20 to carry out the Temporary Receiver's mandate under this Order, and likewise to defend,
21 compromise or adjust or otherwise dispose of any or all actions or proceedings instituted
22 against the Temporary Receiver or the Receivership Defendants that the Temporary
23 Receiver deems necessary and advisable to preserve the properties of the Receivership
24 Defendants or that the Temporary Receiver deems necessary and advisable to carry out
25 the Temporary Receiver's mandate under this Order.

26 **XVIII. TEMPORARY RECEIVER'S BOND**

27 **IT IS FURTHER ORDERED** that the Temporary Receiver shall file with the
28 Clerk of this Court a bond in the sum of 5,000.00, with sureties to be approved

1 by the Court, conditioned that the Temporary Receiver will well and truly perform the
2 duties of the office and abide by and perform all acts the Court directs.

3 **XIX. COOPERATION WITH THE TEMPORARY RECEIVER**

4 **IT IS FURTHER ORDERED** that Defendants and their successors, assigns,
5 members, officers, agents, servants, employees, and attorneys, and those persons or
6 entities in active concert or participation with them who receive actual notice of this
7 Order by personal service, facsimile transmission, email, or otherwise, whether acting
8 directly or through any corporation, subsidiary, division, or other device, shall fully
9 cooperate with and assist the Temporary Receiver. Such cooperation and assistance shall
10 include, but not be limited to, providing any information to the Temporary Receiver that
11 the Temporary Receiver deems necessary to exercising the authority and discharging the
12 responsibilities of the Temporary Receiver under this Order; providing any password
13 required to access any computer, electronically stored information, or electronic files in
14 any medium; or advising all persons who owe money to the Receivership Defendants that
15 all debts should be paid directly to the Temporary Receiver.

16 **IT IS FURTHER ORDERED** that Defendants are temporarily restrained
17 and enjoined from directly or indirectly:

18 A. Transacting any of the business of the Receivership Defendants, or
19 transacting business under the name of the Receivership Defendants, or any substantially
20 similar name;

21 B. Destroying, concealing, defacing, transferring, or otherwise altering or
22 disposing of any documents of the Receivership Defendants, including, but not limited to,
23 books, records, accounts, documents, electronically stored information, or any other
24 papers of any kind or nature;

25 C. Transferring, receiving, altering, selling, encumbering, pledging, assigning,
26 liquidating, or otherwise disposing of any assets owned, controlled, or in the possession
27 or custody of, or in which an interest is held or claimed by, the Receivership Defendants,
28 or the Temporary Receiver;

1 D. Excusing debts owed to the Receivership Defendants;

2 E. Failing to notify the Temporary Receiver of any asset, including accounts,
3 of any Receivership Defendant held in any name other than the name of any Receivership
4 Defendant, or by any person or entity other than the Receivership Defendants, or failing
5 to provide any assistance or information requested by the Temporary Receiver in
6 connection with obtaining possession, custody, or control of such assets; or

7 F. Doing any act or refraining from any act whatsoever to interfere with the
8 Temporary Receiver's taking custody, control, possession, or managing of the assets or
9 documents subject to this receivership; or to harass or interfere with the Temporary
10 Receiver in any way; or to interfere in any manner with the exclusive jurisdiction of this
11 Court over the assets or documents of the Receivership Defendants; or to refuse to
12 cooperate with the Temporary Receiver or the Temporary Receiver's duly authorized
13 agents in the exercise of their duties or authority under any Order of this Court.

14 **XX. DELIVERY OF RECEIVERSHIP PROPERTY**

15 **IT IS FURTHER ORDERED** that:

16 A. Immediately upon service of this Order upon them, or within a period
17 permitted by the Temporary Receiver, Defendants and all other persons in possession,
18 custody, and control of assets or documents of the Receivership Defendants shall transfer
19 or deliver possession, custody, and control of the following to the Temporary Receiver:

20 1. All assets of the Receivership Defendants;

21 2. All documents of the Receivership Defendants, including, but not
22 limited to, books and records of accounts, all financial and accounting records,
23 balance sheets, income statements, bank records (including monthly statements,
24 canceled checks, records of wire transfers, and check registers), client lists, title
25 documents, electronically stored information, and other papers; and

26 3. All assets belonging to members of the public now held by the
27 Receivership Defendants.
28

1 B. In the event any person or entity fails to deliver or transfer any asset or
2 otherwise fails to comply with any provision of this Paragraph, the Temporary Receiver
3 may file, on an *ex parte* basis, an Affidavit of Non-Compliance regarding the failure.
4 Upon filing of the affidavit, the Court may authorize, without additional process or
5 demand, Writs of Possession or Sequestration or other equitable writs requested by the
6 Temporary Receiver. The writs shall authorize and direct the United States Marshal or
7 any sheriff or deputy sheriff of any county to seize the asset, document, or other thing and
8 to deliver it to the Temporary Receiver.

9 **XXI. TEMPORARY RECEIVER'S REPORTS**

10 **IT IS FURTHER ORDERED** that the Temporary Receiver shall report to this
11 Court on or before the date set for the hearing to Show Cause regarding the Preliminary
12 Injunction regarding: (1) the steps taken by the Temporary Receiver to implement the
13 terms of this Order; (2) the value of all liquidated and unliquidated assets of the
14 Receivership Defendants; (3) the sum of all liabilities of the Receivership Defendants; (4)
15 the steps the Temporary Receiver intends to take in the future to: (a) prevent any
16 diminution in the value of assets of the Receivership Defendants; (b) pursue receivership
17 assets from third parties; and (c) adjust the liabilities of the Receivership Defendants, if
18 appropriate; and (5) any other matters which the Temporary Receiver believes should be
19 brought to the Court's attention. *Provided*, however, if any of the required information
20 would hinder the Temporary Receiver's ability to pursue receivership assets, the portions
21 of the Temporary Receiver's report containing such information may be filed under seal
22 and not served on the parties.

23 **XXII. BANKRUPTCY PETITIONS**

24 **IT IS FURTHER ORDERED** that:

25 A. In light of the asset freeze and appointment of the Temporary Receiver,
26 Defendants are prohibited from filing, or causing to be filed, on behalf of any
27 Receivership Defendant, a petition for relief under the United States Bankruptcy Code, 11
28 U.S.C. § 101 *et seq.*, without prior permission from this Court.

1 B. In light of the asset freeze, Individual Defendants must give 21 days' notice
2 to the Commission prior to filing, or causing to be filed, on behalf of the Individual
3 Defendants, a petition for relief under the United States Bankruptcy Code, 11 U.S.C.
4 § 101 *et seq.*

5 **XXIII. TRANSFER OF FUNDS TO THE TEMPORARY RECEIVER**

6 **IT IS FURTHER ORDERED** that, upon service of a copy of this Order, all
7 banks, broker-dealers, savings and loans, escrow agents, title companies, commodity
8 trading companies, or other financial institutions shall cooperate with all reasonable
9 requests of the Temporary Receiver relating to implementation of this Order, including
10 producing records related to the assets of the Receivership Defendants.

11 **XXIV. STAY OF ACTIONS**

12 **IT IS FURTHER ORDERED** that:

13 A. Except by leave of this Court, during pendency of the receivership,
14 Defendants and all other persons and entities (except for the Commission) are stayed
15 from taking any action to establish or enforce any claim, right, or interest for, against, on
16 behalf of, in, or in the name of: a) the Receivership Defendants, or b) any of assets of
17 Receivership Defendants, or c) the Temporary Receiver or the Temporary Receiver's
18 duly authorized agents acting in their capacities as such, including, but not limited to, the
19 following actions:

20 1. Commencing, prosecuting, continuing, entering, or enforcing any
21 suit or proceeding, except that the actions may be filed to toll any applicable
22 statute of limitations;

23 2. Accelerating the due date of any obligation or claimed obligation;
24 filing or enforcing any lien; taking or attempting to take possession, custody, or
25 control of any asset; attempting to foreclose, forfeit, alter, or terminate any interest
26 in any asset, whether such acts are part of a judicial proceeding, are acts of self-
27 help, or otherwise;

1 3. Executing, issuing, serving, or causing the execution, issuance or
2 service of, any legal process, including, but not limited to, attachments,
3 garnishments, subpoenas, writs of replevin, writs of execution, or any other form
4 of process whether specified in this Order or not; or

5 4. Doing any act or thing whatsoever to interfere with the Temporary
6 Receiver taking custody, control, possession, or management of the assets or
7 documents subject to this receivership, or to harass or interfere with the Temporary
8 Receiver in any way, or to interfere in any manner with the exclusive jurisdiction
9 of this Court over the assets or documents of the Receivership Defendants.

10 B. Subparagraph (A) of this Paragraph does not stay:

11 1. The commencement or continuation of a criminal action or
12 proceeding;

13 2. The commencement or continuation of an action or proceeding by a
14 governmental unit to enforce such governmental unit's police or regulatory power;

15 3. The enforcement of a judgment, other than a money judgment,
16 obtained in an action or proceeding by a governmental unit to enforce such
17 governmental unit's police or regulatory power; or

18 4. The issuance to the Receivership Defendants of a notice of tax
19 deficiency.

20 C. Except as otherwise provided in this Order, all persons and entities who
21 need documentation from the Temporary Receiver shall in all instances first attempt to
22 secure such information by submitting a formal written request to the Temporary
23 Receiver, and, if the request has not been responded to within 30 days of receipt by the
24 Temporary Receiver, any person or entity may thereafter seek an order of this Court with
25 regard to the relief requested.

26 **XXV. COMPENSATION OF TEMPORARY RECEIVER**

27 **IT IS FURTHER ORDERED** that the Temporary Receiver and personnel hired
28 by the Temporary Receiver to perform the duties under this Order, are entitled to a

1 reasonable compensation for the performance of duties under this Order, and for the cost
2 of actual out-of-pocket expenses incurred by them, from Defendants' assets. To obtain
3 payment, the Temporary Receiver shall file with the Court and serve on the parties
4 periodic requests for the payment of such reasonable compensation, with the first such
5 request filed no more than 60 days after the date of this Order. The Temporary Receiver
6 shall not increase the hourly rates used as the bases for such fee applications without prior
7 approval of the Court.

8 **XXVI. TEMPORARY RECEIVER'S ACCESS TO BUSINESS PREMISES AND**
9 **RECORDS**

10 **IT IS FURTHER ORDERED** that:

11 A. The Temporary Receiver, and its respective representatives, agents,
12 contractors, or assistants, are permitted, and the Defendants shall allow, immediate access
13 to any business premises and storage facilities of the Receivership Defendants. Such
14 locations include, but are not limited to, the offices and facilities of the Receivership
15 Defendants at or in the vicinity of 1400 Glenarm Place, Suite 301, Denver, Colorado
16 80202.

17 B. The Temporary Receiver is authorized to employ the assistance of law
18 enforcement officers, including, but not limited to, the United States Marshals Service, to
19 effect service, to implement peacefully the provisions of this Order, and keep the peace.
20 The Temporary Receiver may exclude Defendants and their agents and employees from
21 the business premises and facilities.

22 C. Defendants and all agents or employees of Defendants shall provide the
23 Temporary Receiver with any necessary means of access to documents, including,
24 without limitation, the locations of Receivership Defendants' business premises, keys and
25 combinations to business premises locks, computer access codes of all computers used to
26 conduct Receivership Defendants' business, and storage area access information.

27 D. The Temporary Receiver is authorized to copy any documents related to
28 Defendants' business practices, including by forensic imaging of electronically stored

1 information. The Temporary Receiver is authorized to remove any documents related to
2 Defendants' business practices from the premises in order that they may be inspected,
3 inventoried, and copied. The materials removed shall be returned within five (5) business
4 days of completing inventory and copying.

5 **NOTIFICATION AND MONITORING PROVISIONS**

6 **XXVII. DISTRIBUTION OF ORDER BY DEFENDANTS**

7 **IT IS FURTHER ORDERED** that Defendants shall immediately provide a copy
8 of this Order to each affiliate, sales entity, successor, assign, member, officer, employee,
9 agent, servant, attorney, subsidiary, division, and representative of any of the Defendants,
10 and shall, within three (3) days from the date of entry of this Order, provide the
11 Commission with a sworn statement that Defendants have complied with this provision of
12 the Order, which statement shall include the names and addresses of each such person or
13 entity who received a copy of this Order.

14 **XXVIII. SERVICE OF ORDER**

15 **IT IS FURTHER ORDERED** that copies of this Order may be served by any
16 means, including facsimile transmission, email, and overnight delivery service, upon any
17 financial institution or other entity or person that may have possession, custody, or
18 control of any documents or assets of any Defendant, or that may be subject to any
19 provision of this Order. Pursuant to Fed. R. Civ. P. 4(c)(2), this Order and the initial
20 papers filed in this matter may be served on Defendants, upon the business premises of
21 Defendants, and upon any financial institution or other entity or person that may have
22 possession, custody, or control of any documents or assets of any of the Defendants, or
23 that may be subject to any provision of this Order, by employees of the Commission, by
24 employees of any other law enforcement agency, by any agent of Commission, or by any
25 agent of any process service retained by the Commission.

26 **XXIX. MONITORING**

27 **IT IS FURTHER ORDERED** that agents or representatives of the Commission
28 may contact the Defendants or their agents or representatives directly and anonymously

1 for the purpose of monitoring compliance with this Order, and may record any oral
2 communications that occur in the course of such contacts.

3 PRELIMINARY INJUNCTION PROCEEDINGS

4 XXX. ORDER TO SHOW CAUSE

5 IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 65(b), Defendants
6 North America Marketing and Associates, LLC; NAMAA, LLC, TM Multimedia
7 Marketing, LLC - Nevada; TM Multimedia Marketing, LLC - Arizona,, National
8 Opportunities, LLC - Nevada; National Opportunities, LLC - Arizona; World Wide
9 Marketing and Associates, LLC; Wide World of Marketing, LLC; Precious Metals
10 Resource, LLC; Guaranteed Communications, LLC; Superior Multimedia Group, LLC;
11 Kimberly Joy Birdsong; Joseph Wayne Lowry; Tracy Jerome Morris; Sarah Lynne
12 Stapel; Alyisse Maloi Tramel; Daniel Vigil; Sheila Ann Lowry; Carl Edward Morris, Jr.;
13 and Marketing Strategies, LLC shall appear before this Court, located at United States
14 District Court for the District of Arizona, Sandra Day O'Connor U.S. Courthouse, 401 W.
15 Washington Street, Courtroom 603, Phoenix, AZ 85003-2118, on the
16 15th day of May, 2012, at 1:30 ~~a.m.~~/p.m. MST, to show cause why this
17 Court should not enter a preliminary injunction, pending final ruling on the Complaint,
18 against Defendants enjoining them from violations of Section 5(a) of the FTC Act,
19 15 U.S.C. § 45(a), imposing additional relief as may be appropriate, and appointing a
20 permanent receiver over Defendants North America Marketing and Associates, LLC;
21 NAMAA, LLC, TM Multimedia Marketing, LLC - Nevada; TM Multimedia Marketing,
22 LLC - Arizona,, National Opportunities, LLC - Nevada; National Opportunities, LLC -
23 Arizona; World Wide Marketing and Associates, LLC; Wide World of Marketing, LLC;
24 Precious Metals Resource, LLC; Guaranteed Communications, LLC; Superior
25 Multimedia Group, LLC; Kimberly Joy Birdsong; Joseph Wayne Lowry; Tracy Jerome
26 Morris; Sarah Lynne Stapel; Alyisse Maloi Tramel; Daniel Vigil; Sheila Ann Lowry; Carl
27 Edward Morris, Jr.; and Marketing Strategies, LLC.

1 **IT IS FURTHER ORDERED** that, in support of its application for a preliminary
2 injunction, the Commission may submit supplemental evidence discovered subsequent to
3 the filing of its application for a TRO, as well as a supplemental memorandum. The
4 Commission shall file and serve any supplemental evidence and memorandum by no later
5 than 4:30 p.m. MST on the third court day prior to the preliminary injunction hearing as
6 scheduled above. The documents may be served on each Defendant by email, or fax, or
7 by delivering the document(s) to the attorney(s) for the Defendants, or, if the Defendants
8 are not represented by counsel, to a fax number or email address previously designated by
9 the Defendants in writing to counsel for the Commission; if the Defendants have not so
10 designated a fax number or email address, service may be effected by mailing the
11 documents to an address designated in writing by the Defendants to counsel for the
12 Commission; if no address has been so designated, service shall be complete upon filing
13 of the documents with this Court.

14 **IT IS FURTHER ORDERED** that Defendants shall file and serve any opposition
15 to the issuance of a preliminary injunction and the appointment of a permanent receiver
16 over the Receivership Defendants, including any declarations, exhibits, memoranda or
17 other evidence on which they intend to rely, and objections to any evidence submitted by
18 the Commission, by no later than 4:30 p.m. MST of the third court day prior to the
19 hearing on the preliminary injunction. Such documents may be served by email or fax
20 upon the Commission's counsel.

21 **IT IS FURTHER ORDERED** that the Commission shall file and serve any reply
22 to Defendants' opposition by no later than the second court day prior to the preliminary
23 injunction hearing.

24 **IT IS FURTHER ORDERED** that there will be no direct examination of
25 witnesses at the preliminary injunction hearing in this matter. Direct testimony shall be
26 presented in the form of declarations or affidavits. The Court in ruling on whether a
27 preliminary injunction shall issue will consider declarations or affidavits that have been
28

1 filed in a timely manner prior to the preliminary injunction hearing without further need
2 of any party moving such documents into evidence.

3 **XXXI. EXAMINATION OF WITNESSES**

4 **IT IS FURTHER ORDERED** that the preliminary injunction hearing will be
5 conducted on the papers served and filed by the parties and on oral argument by counsel.
6 No live witness testimony will be heard.

7 **XXXII. SERVICE OF PLEADINGS**

8 **IT IS FURTHER ORDERED** that the parties shall serve upon the opposing party
9 and this Court and file all memoranda, affidavits, and other evidence upon which they
10 intend to rely at the preliminary injunction hearing set in this matter not later than 4:00
11 p.m. MST of the second day prior to the hearing date. Service on the Commission shall
12 be performed by delivery to:

13 Gary D. Kennedy
14 Federal Trade Commission
15 Southwest Region
16 1999 Bryan Street, Suite 2150
17 Dallas, Texas 75201-6808
18 Fax: (214) 953-3079
19 E-mail: gkennedy@ftc.gov

20 **XXXIII. EXPEDITED ASSET DISCOVERY**

21 **IT IS FURTHER ORDERED** that, in anticipation of the preliminary injunction
22 hearing set herein, the Commission is granted leave to conduct expedited discovery
23 regarding Defendants' assets. The Commission may depose any witness about
24 Defendants' assets at any time after the date of this Order upon three (3) business days'
25 notice. Defendants shall respond to any asset-related interrogatories, requests for
26 admissions, or requests for production of documents within three (3) business days after
27 service of the discovery request. Any discovery taken or propounded by the Commission
28 under this Paragraph is in addition to, and not subject to, any limits on the quantity of
permissible discovery provided for in the Federal Rules of Civil Procedure or the rules of
this Court. Any limitations and conditions set forth in the Federal Rules of Civil

1 Procedure or the rules of this Court regarding subsequent depositions of an individual
2 shall not apply to depositions taken under this Paragraph.

3 **XXXIV. DURATION OF TEMPORARY RESTRAINING ORDER**

4 **IT IS FURTHER ORDERED** that this Temporary Restraining Order shall expire
5 on May 15, 2012, at 5:00 ~~a.m.~~/p.m. MST, unless before such
6 time, the Order is extended for good cause shown, or by consent of the parties.

7 **XXXV. ACKNOWLEDGMENT OF RECEIPT OF TEMPORARY
8 RESTRAINING ORDER**

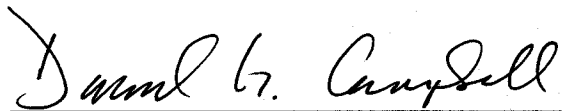
9 **IT IS FURTHER ORDERED** that each Defendant, within five (5) business days
10 of receipt of this Temporary Restraining Order as entered by the Court, must submit to
11 the Commission a truthful sworn statement acknowledging receipt of the Temporary
12 Restraining Order.

13 **XXXVI. RETENTION OF JURISDICTION**

14 **IT IS FURTHER ORDERED** that this Court shall retain jurisdiction of this
15 matter for all purposes.

16 **IT IS SO ORDERED.**

17
18
19 ENTERED: this 2nd day of May, 2012, at ³4:50 ~~a.m.~~/p.m. MST, at
20 Phoenix, Arizona.
21

22
23 
24 **UNITED STATES DISTRICT JUDGE**
25
26
27
28

ATTACHMENT A

(List of Websites)

Website URLs:

COMPANY	WEBSITE
North America Marketing and Associates, LLC	www.3waystoearn.com ; www.namaallc.com ; www.jakb.com/NAMA/ ; www.threewaystoearn.com
TM Multimedia Marketing, LLC (AZ)	www.tmmultimediamarketing.com
Time Management Multimedia Marketing, LLC d/b/a TM Multimedia Marketing, LLC (NV/CO)	www.jakb.com/TM ; www.tmmmarketing.com
National Opportunities, LLC	www.nationalopportunitiesllc.com ; www.jakb.com/NOLLC/ ; www.natopp.com
World Wide Marketing and Associates, LLC	www.worldwidemarketingandassociates.com ; www.wwmallc.com
Wide World of Marketing, LLC	www.wideworldmarketing.com ; www.jakb.com/wwm/
Paramount Marketing Group Online, LLC	www.paramountmarketinggrouponline.com ; www.pmgollc.com
Precious Metals Resource, LLC	www.preciousmetalsresource.com ; www.pmrllc.com ; www.jakb.com/pmrllc/ ; www.quickcashgoldtrade.com ; www.qcgoldtrade.com
Superior Multimedia Group, LLC	www.jakb.com/SMG/ ; www.smmgllc.com
Extreme Merchant Services	www.merchantaccountwaseasy.com ; www.extrememERCHANTservices.com ; www.jakb.com/bizopp/merch/
Online Shopping Headquarters	www.onlineshoppingheadquarters.com ; www.myshoppingwaseasy.com
Related Websites -	www.tripleio.com ; www.tripleincomeopportunity.com ; www.tripleopp.com ; www.mymortgagewaseasy.com ; www.mytriplethreat.com ; www.gamaallc.com ;

ATTACHMENT B

(Consent to Release of Financial Records)

Consent to Release of Financial Records

I, _____, of the State of _____ in the United States of America, do direct any bank or trust company at which I have a bank account of any kind or at which a corporation or other entity has a bank account of any kind upon which I am authorized to draw, and its officers, employees and agents, to disclose all information and deliver copies of all documents of every nature in your possession or control which relate to the said bank accounts to any attorney of the Federal Trade Commission, and to give evidence relevant thereto, in the matter of the *Federal Trade Commission v. North America Marketing and Associates, LLC, et al.*, Civ. Action No. _____, now pending in the United States District Court for the District of Arizona, and this shall be irrevocable authority for so doing. This direction is intended to apply to the laws of countries other than the United States which restrict or prohibit the disclosure of bank information without the consent of the holder of the account, and shall be construed as consent with respect thereto, and the same shall apply to any of the bank accounts for which I may be a relevant principal.

Dated: _____, 2012

Signature: _____

Printed full name: _____

ATTACHMENT C

(Financial Statement of Individual Defendant)

FEDERAL TRADE COMMISSION

FINANCIAL STATEMENT OF INDIVIDUAL DEFENDANT

Instructions:

1. Complete all items. Enter "None" or "N/A" ("Not Applicable") where appropriate. If you cannot fully answer a question, explain why.
2. The font size within each field will adjust automatically as you type to accommodate longer responses.
3. "Dependents" include your live-in companion, dependent children, or any other person, whom you or your spouse (or your children's other parent) claimed or could have claimed as a dependent for tax purposes at any time during the past five years.
4. "Assets" and "Liabilities" include ALL assets and liabilities, located within the United States or elsewhere, whether held individually or jointly.
5. Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number(s) being continued.
6. Type or print legibly.
7. Initial each page in the space provided in the lower right corner.
8. Sign and date the completed financial statement on the last page.

Penalty for False Information:

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person:

- (1) "in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry" (18 U.S.C. § 1001);
- (2) "in any . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true" (18 U.S.C. § 1621); or
- (3) "in any (. . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information . . . knowing the same to contain any false material declaration" (18 U.S.C. § 1623).

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or twice the gross loss. 18 U.S.C. § 3571.

BACKGROUND INFORMATION

Item 1. Information About You

Your Full Name _____ Social Security No. _____

Place of Birth _____ Date of Birth _____ Drivers License No. _____

Current Address _____ From (Date) _____

Rent or Own? _____ Telephone No. _____ Facsimile No. _____

E-Mail Address _____ Internet Home Page _____

Previous Addresses for past five years:

Address _____ Rent or Own? _____ From/Until _____

Address _____ Rent or Own? _____ From/Until _____

Identify any other name(s) and/or social security number(s) you have used, and the time period(s) during which they were used _____

Item 2. Information About Your Spouse or Live-In Companion

Spouse/Companion's Name _____ Social Security No. _____

Place of Birth _____ Date of Birth _____

Identify any other name(s) and/or social security number(s) your spouse/companion has used, and the time period(s) during which they were used _____

Address (if different from yours) _____

From (Date) _____ Rent or Own? _____ Telephone No. _____

Employer's Name and Address _____

Job Title _____ Years in Present Job _____ Annual Gross Salary/Wages \$ _____

Item 3. Information About Your Previous Spouse

Previous Spouse's Name & Address _____

_____ Social Security No. _____ Date of Birth _____

Item 4. Contact Information

Name & Address of Nearest Living Relative or Friend _____
 _____ Telephone No. _____

Item 5. Information About Dependents Who Live With You

►Name _____ Date of Birth _____
 Relationship _____ Social Security No. _____
 ►Name _____ Date of Birth _____
 Relationship _____ Social Security No. _____
 ►Name _____ Date of Birth _____
 Relationship _____ Social Security No. _____

Item 6. Information About Dependents Who Do Not Live With You

►Name & Address _____
 Date of Birth _____ Relationship _____ Social Security No. _____
 ►Name Address _____
 Date of Birth _____ Relationship _____ Social Security No. _____
 ►Name & Address _____
 Date of Birth _____ Relationship _____ Social Security No. _____

Item 7. Employment Information

Provide the following information for this year-to-date and for each of the previous five full years, for each company of which you were a director, officer, employee, agent, contractor, participant or consultant at any time during that period. "Income" includes, but is not limited to, any salary, commissions, draws, consulting fees, loans, loan payments, dividends, royalties or other benefits for which you did not pay (e.g., health insurance premiums, automobile lease or loan payments) received by you or anyone else on your behalf.

►Company Name & Address _____
 Dates Employed: From (Month/Year) _____ To (Month/Year) _____
 Positions Held with Beginning and Ending Dates _____

Item 7. continued

Income Received: This year-to-date: \$ _____ : \$ _____
 20____ : \$ _____ : \$ _____
 _____ : \$ _____ : \$ _____

►Company Name & Address _____

Dates Employed: From (Month/Year) _____ To (Month/Year) _____

Positions Held with Beginning and Ending Dates _____

Income Received: This year-to-date: \$ _____ : \$ _____
 20____ : \$ _____ : \$ _____
 _____ : \$ _____ : \$ _____

►Company Name & Address _____

Dates Employed: From (Month/Year) _____ To (Month/Year) _____

Positions Held with Beginning and Ending Dates _____

Income Received: This year-to-date: \$ _____ : \$ _____
 20____ : \$ _____ : \$ _____
 _____ : \$ _____ : \$ _____

Item 8. Pending Lawsuits Filed by You or Your Spouse

List all pending lawsuits that have been filed by you or your spouse in court or before an administrative agency. (List lawsuits that resulted in final judgments or settlements in Items 16 and 25).

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Item 9. Pending Lawsuits Filed Against You or Your Spouse

List all pending lawsuits that have been filed against you or your spouse in court or before an administrative agency. (List lawsuits that resulted in final judgments or settlements in Items 16 and 25).

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Item 10. Safe Deposit Boxes

List all safe deposit boxes, located within the United States or elsewhere, held by you, your spouse, or any of your dependents, or held by others for the benefit of you, your spouse, or any of your dependents. *On a separate page, describe the contents of each box.*

Owner's Name

Name & Address of Depository Institution

Box No.

Item 11. Business Interests

List all businesses for which you, your spouse, or your dependents are an officer or director.

►Business' Name & Address _____

Business Format (e.g., corporation) _____ Description of Business _____

_____ Position(s) Held, and By Whom _____

►Business' Name & Address _____

Business Format (e.g., corporation) _____ Description of Business _____

_____ Position(s) Held, and By Whom _____

►Business' Name & Address _____

Business Format (e.g., corporation) _____ Description of Business _____

_____ Position(s) Held, and By Whom _____

FINANCIAL INFORMATION: ASSETS AND LIABILITIES

REMINDER: "Assets" and "Liabilities" include ALL assets and liabilities, located within the United States or elsewhere, whether held individually or jointly.

Item 12. Cash, Bank, and Money Market Accounts

List cash and all bank and money market accounts, including but not limited to, checking accounts, savings accounts, and certificates of deposit, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents. The term "cash" includes currency and uncashed checks.

Cash on Hand \$ _____ Cash Held For Your Benefit \$ _____

<u>Name on Account</u>	<u>Name & Address of Financial Institution</u>	<u>Account No.</u>	<u>Current Balance</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Item 13. U.S. Government Securities

List all U.S. Government securities, including but not limited to, savings bonds, treasury bills, and treasury notes, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

<u>Name on Account</u>	<u>Type of Obligation</u>	<u>Security Amount</u>	<u>Maturity Date</u>
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____

Item 14. Publicly Traded Securities and Loans Secured by Them

List all publicly traded securities, including but not limited to, stocks, stock options, registered and bearer bonds, state and municipal bonds, and mutual funds, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

► Issuer _____ Type of Security _____ No. of Units Owned _____

Name on Security _____ Current Fair Market Value \$ _____ Loan(s) Against Security \$ _____

Broker House, Address _____ Broker Account No. _____

► Issuer _____ Type of Security _____ No. of Units Owned _____

Name on Security _____ Current Fair Market Value \$ _____ Loan(s) Against Security \$ _____

Broker House, Address _____ Broker Account No. _____

Item 15. Other Business Interests

List all other business interests, including but not limited to, non-public corporations, subchapter-S corporations, limited liability corporations ("LLCs"), general or limited partnership interests, joint ventures, sole proprietorships, and oil and mineral leases, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

► Business Format _____ Business' Name & Address _____

_____ Ownership % _____

Owner (e.g., self, spouse) _____ Current Fair Market Value \$ _____

► Business Format _____ Business' Name & Address _____

_____ Ownership % _____

Owner (e.g., self, spouse) _____ Current Fair Market Value \$ _____

Item 16. Monetary Judgments or Settlements Owed to You, Your Spouse, or Your Dependents

List all monetary judgments or settlements owed to you, your spouse, or your dependents.

► Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

► Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Item 17. Other Amounts Owed to You, Your Spouse, or Your Dependents

List all other amounts owed to you, your spouse, or your dependents.

Debtor's Name, Address, & Telephone No. _____

Original Amount Owed \$ _____ Current Amount Owed \$ _____ Monthly Payment \$ _____

Item 18. Life Insurance Policies

List all life insurance policies held by you, your spouse, or your dependents.

►Insurance Company's Name, Address, & Telephone No. _____

Insured _____ Beneficiary _____ Face Value \$ _____

Policy No. _____ Loans Against Policy \$ _____ Surrender Value \$ _____

►Insurance Company's Name, Address, & Telephone No. _____

Insured _____ Beneficiary _____ Face Value \$ _____

Policy No. _____ Loans Against Policy \$ _____ Surrender Value \$ _____

Item 19. Deferred Income Arrangements

List all deferred income arrangements, including but not limited to, deferred annuities, pensions plans, profit-sharing plans, 401(k) plans, IRAs, Keoghs, and other retirement accounts, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

►Name on Account _____ Type of Plan _____ Date Established _____

Trustee or Administrator's Name, Address & Telephone No. _____

Account No. _____ Surrender Value \$ _____

►Name on Account _____ Type of Plan _____ Date Established _____

Trustee or Administrator's Name, Address & Telephone No. _____

Account No. _____ Surrender Value \$ _____

Item 20. Personal Property

List all personal property, by category, whether held for personal use or for investment, including but not limited to, furniture and household goods of value, computer equipment, electronics, coins, stamps, artwork, gemstones, jewelry, bullion, other collectibles, copyrights, patents, and other intellectual property, held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

<u>Property Category</u> (e.g., artwork, jewelry)	<u>Name of Owner</u>	<u>Property Location</u>	<u>Acquisition Cost</u>	<u>Current Value</u>
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

Item 21. Cars, Trucks, Motorcycles, Boats, Airplanes, and Other Vehicles

List all cars, trucks, motorcycles, boats, airplanes, and other vehicles owned or operated by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

► Vehicle Type _____ Make _____ Model _____ Year _____

Registered Owner's Name _____ Registration State & No. _____

Address of Vehicle's Location _____

Purchase Price \$ _____ Current Value \$ _____ Account/Loan No. _____

Lender's Name and Address _____

Original Loan Amount \$ _____ Current Loan Balance \$ _____ Monthly Payment \$ _____

► Vehicle Type _____ Make _____ Model _____ Year _____

Registered Owner's Name _____ Registration State & No. _____

Address of Vehicle's Location _____

Purchase Price \$ _____ Current Value \$ _____ Account/Loan No. _____

Lender's Name and Address _____

Original Loan Amount \$ _____ Current Loan Balance \$ _____ Monthly Payment \$ _____

Item 21. Continued

► Vehicle Type _____ Make _____ Model _____ Year _____

Registered Owner's Name _____ Registration State & No. _____

Address of Vehicle's Location _____

Purchase Price \$ _____ Current Value \$ _____ Account/Loan No. _____

Lender's Name and Address _____

Original Loan Amount \$ _____ Current Loan Balance \$ _____ Monthly Payment \$ _____

Item 22. Real Property

List all real estate held by you, your spouse, or your dependents, or held by others for the benefit of you, your spouse, or your dependents.

► Type of Property _____ Property's Location _____

Name(s) on Title and Ownership Percentages _____

Acquisition Date _____ Purchase Price \$ _____ Current Value \$ _____

Basis of Valuation _____ Loan or Account No. _____

Lender's Name and Address _____

Current Balance On First Mortgage \$ _____ Monthly Payment \$ _____

Other Loan(s) (describe) _____ Current Balance \$ _____

Monthly Payment \$ _____ Rental Unit? _____ Monthly Rent Received \$ _____

► Type of Property _____ Property's Location _____

Name(s) on Title and Ownership Percentages _____

Acquisition Date _____ Purchase Price \$ _____ Current Value \$ _____

Basis of Valuation _____ Loan or Account No. _____

Lender's Name and Address _____

Current Balance On First Mortgage \$ _____ Monthly Payment \$ _____

Other Loan(s) (describe) _____ Current Balance \$ _____

Monthly Payment \$ _____ Rental Unit? _____ Monthly Rent Received \$ _____

Item 23. Credit Cards

List each credit card held by you, your spouse, or your dependents. Also list any other credit cards that you, your spouse, or your dependents use.

<u>Name of Credit Card (e.g., Visa, MasterCard, Department Store)</u>	<u>Account No.</u>	<u>Name(s) on Account</u>	<u>Current Balance</u>	<u>Minimum Monthly Payment</u>
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

Item 24. Taxes Payable

List all taxes, such as income taxes or real estate taxes, owed by you, your spouse, or your dependents.

<u>Type of Tax</u>	<u>Amount Owed</u>	<u>Year Incurred</u>
	\$	
	\$	
	\$	
	\$	

Item 25. Judgments or Settlements Owed

List all judgments or settlements owed by you, your spouse, or your dependents.

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date _____ Amount \$ _____

Item 26. Other Loans and Liabilities

List all other loans or liabilities in your, your spouse's, or your dependents' names.

►Name & Address of Lender/Creditor _____

Nature of Liability _____ Name(s) on Liability _____

Date of Liability _____ Amount Borrowed \$ _____ Current Balance \$ _____

Payment Amount \$ _____ Frequency of Payment _____

►Name & Address of Lender/Creditor _____

Nature of Liability _____ Name(s) on Liability _____

Date of Liability _____ Amount Borrowed \$ _____ Current Balance \$ _____

Payment Amount \$ _____ Frequency of Payment _____

OTHER FINANCIAL INFORMATION**Item 27. Tax Returns**

List all federal tax returns that were filed during the last three years by or on behalf of you, your spouse, or your dependents. *Provide a copy of each signed tax return that was filed during the last three years.*

<u>Tax Year</u>	<u>Name(s) on Return</u>	<u>Refund Expected</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Item 28. Applications for Credit

List all applications for bank loans or other extensions of credit that you, your spouse, or your dependents have submitted within the last two years. *Provide a copy of each application, including all attachments.*

<u>Name(s) on Application</u>	<u>Name & Address of Lender</u>
_____	_____
_____	_____
_____	_____

Item 29. Trusts and Escrows

List all funds or other assets that are being held in trust or escrow by any person or entity for you, your spouse, or your dependents. Also list all funds or other assets that are being held in trust or escrow by you, your spouse, or your dependents, for any person or entity. *Provide copies of all executed trust documents.*

<u>Trustee or Escrow Agent's Name & Address</u>	<u>Date Established</u>	<u>Grantor</u>	<u>Beneficiaries</u>	<u>Present Market Value of Assets</u>
				\$
				\$
				\$
				\$
				\$

Item 30. Transfers of Assets

List each person to whom you have transferred, in the aggregate, more than \$2,500 in funds or other assets during the previous three years by loan, gift, sale, or other transfer. For each such person, state the total amount transferred during that period.

<u>Transferee's Name, Address, & Relationship</u>	<u>Property Transferred</u>	<u>Aggregate Value</u>	<u>Transfer Date</u>	<u>Type of Transfer (e.g., Loan, Gift)</u>
		\$		
		\$		
		\$		
		\$		
		\$		
		\$		
		\$		

SUMMARY FINANCIAL SCHEDULES**Item 31. Combined Balance Sheet for You, Your Spouse, and Your Dependents**

<u>ASSETS</u>		<u>LIABILITIES</u>	
Cash on Hand (Item 12)	\$ _____	Credit Cards (Item 23)	\$ _____
Cash in Financial Institutions (Item 12)	\$ _____	Motor Vehicles - Liens (Item 21)	\$ _____
U.S. Government Securities (Item 13)	\$ _____	Real Property - Encumbrances (Item 22)	\$ _____
Publicly Traded Securities (Item 14)	\$ _____	Loans Against Publicly Traded Securities (Item 14)	\$ _____
Other Business Interests (Item 15)	\$ _____	Taxes Payable (Item 24)	\$ _____
Judgments or Settlements Owed to You (Item 16)	\$ _____	Judgments or Settlements Owed (Item 25)	\$ _____
Other Amounts Owed to You (Item 17)	\$ _____	Other Loans and Liabilities (Item 26)	\$ _____
Surrender Value of Life Insurance (Item 18)	\$ _____	<u>Other Liabilities (Itemize)</u>	
Deferred Income Arrangements (Item 19)	\$ _____	_____	\$ _____
Personal Property (Item 20)	\$ _____	_____	\$ _____
Motor Vehicles (Item 21)	\$ _____	_____	\$ _____
Real Property (Item 22)	\$ _____	_____	\$ _____
<u>Other Assets (Itemize)</u>		_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
Total Assets	\$ _____	Total Liabilities	\$ _____

Item 32. Combined Average Monthly Income and Expenses for You, Your Spouse, and Your Dependents for the Last 6 Months

Provide the average monthly income and expenses for you, your spouse, and your dependents for the last 6 months. Do not include credit card payments separately; rather, include credit card expenditures in the appropriate categories.

<u>INCOME</u>		<u>EXPENSES</u>	
Salary - After Taxes	\$ _____	Mortgage Payments for Residence(s)	\$ _____
Fees, Commissions, and Royalties	\$ _____	Property Taxes for Residence(s)	\$ _____
Interest	\$ _____	Rental Property Expenses, Including Mortgage Payments, Taxes, and Insurance	\$ _____
Dividends and Capital Gains	\$ _____	Car or Other Vehicle Lease or Loan Payments	\$ _____
Gross Rental Income	\$ _____	Food Expenses	\$ _____
Profits from Sole Proprietorships	\$ _____	Clothing Expenses	\$ _____
Distributions from Partnerships, S-Corporations, and LLCs	\$ _____	Utilities	\$ _____
Distributions from Trusts and Estates	\$ _____	Medical Expenses, Including Insurance	\$ _____
Distributions from Deferred Income Arrangements	\$ _____	Other Insurance Premiums	\$ _____
Social Security Payments	\$ _____	Other Transportation Expenses	\$ _____
Alimony/Child Support Received	\$ _____	Other Household Expenses	\$ _____
Gambling Income	\$ _____	<u>Other Expenses (Itemize)</u>	
<u>Other Income (Itemize)</u>		_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
Total Income	\$ _____	Total Expenses	\$ _____

ATTACHMENTS

Item 33. Documents Attached to this Financial Statement

List all documents that are being submitted with this financial statement.

<u>Item No.</u>	<u>Document</u>	<u>Relates To</u>
1	100-443811-100	100-443811-100
2	100-443811-101	100-443811-101
3	100-443811-102	100-443811-102
4	100-443811-103	100-443811-103
5	100-443811-104	100-443811-104
6	100-443811-105	100-443811-105
7	100-443811-106	100-443811-106
8	100-443811-107	100-443811-107
9	100-443811-108	100-443811-108
10	100-443811-109	100-443811-109
11	100-443811-110	100-443811-110
12	100-443811-111	100-443811-111
13	100-443811-112	100-443811-112
14	100-443811-113	100-443811-113
15	100-443811-114	100-443811-114
16	100-443811-115	100-443811-115
17	100-443811-116	100-443811-116
18	100-443811-117	100-443811-117
19	100-443811-118	100-443811-118
20	100-443811-119	100-443811-119
21	100-443811-120	100-443811-120
22	100-443811-121	100-443811-121
23	100-443811-122	100-443811-122
24	100-443811-123	100-443811-123
25	100-443811-124	100-443811-124
26	100-443811-125	100-443811-125
27	100-443811-126	100-443811-126
28	100-443811-127	100-443811-127
29	100-443811-128	100-443811-128
30	100-443811-129	100-443811-129
31	100-443811-130	100-443811-130
32	100-443811-131	100-443811-131
33	100-443811-132	100-443811-132
34	100-443811-133	100-443811-133
35	100-443811-134	100-443811-134
36	100-443811-135	100-443811-135
37	100-443811-136	100-443811-136
38	100-443811-137	100-443811-137
39	100-443811-138	100-443811-138
40	100-443811-139	100-443811-139
41	100-443811-140	100-443811-140
42	100-443811-141	100-443811-141
43	100-443811-142	100-443811-142
44	100-443811-143	100-443811-143
45	100-443811-144	100-443811-144
46	100-443811-145	100-443811-145
47	100-443811-146	100-443811-146
48	100-443811-147	100-443811-147
49	100-443811-148	100-443811-148
50	100-443811-149	100-443811-149
51	100-443811-150	100-443811-150
52	100-443811-151	100-443811-151
53	100-443811-152	100-443811-152
54	100-443811-153	100-443811-153
55	100-443811-154	100-443811-154
56	100-443811-155	100-443811-155
57	100-443811-156	100-443811-156
58	100-443811-157	100-443811-157
59	100-443811-158	100-443811-158
60	100-443811-159	100-443811-159
61	100-443811-160	100-443811-160
62	100-443811-161	100-443811-161
63	100-443811-162	100-443811-162
64	100-443811-163	100-443811-163
65	100-443811-164	100-443811-164
66	100-443811-165	100-443811-165
67	100-443811-166	100-443811-166
68	100-443811-167	100-443811-167
69	100-443811-168	100-443811-168
70	100-443811-169	100-443811-169
71	100-443811-170	100-443811-170
72	100-443811-171	100-443811-171
73	100-443811-172	100-443811-172
74	100-443811-173	

Description of Document

[illegible]

I am submitting this financial statement with the understanding that it may affect action by the Federal Trade Commission or a federal court. I have used my best efforts to obtain the information requested in this statement. The responses I have provided to the items above are true and contain all the requested facts and information of which I have notice or knowledge. I have provided all requested documents in my custody, possession, or control. I know of the penalties for false statements under 18 U.S.C. § 1001, 18 U.S.C. § 1621, and 18 U.S.C. § 1623 (five years imprisonment and/or fines). I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on:

(Date)

Signature

ATTACHMENT D

(Financial Statement of Corporate Defendant)

FEDERAL TRADE COMMISSION

FINANCIAL STATEMENT OF CORPORATE DEFENDANT

Instructions:

1. Complete all items. Enter "None" or "N/A" ("Not Applicable") where appropriate. If you cannot fully answer a question, explain why.
2. The font size within each field will adjust automatically as you type to accommodate longer responses.
3. In completing this financial statement, "the corporation" refers not only to this corporation but also to each of its predecessors that are not named defendants in this action.
4. When an Item asks for information about assets or liabilities "held by the corporation," include ALL such assets and liabilities, located within the United States or elsewhere, held by the corporation or held by others for the benefit of the corporation.
5. Attach continuation pages as needed. On the financial statement, state next to the Item number that the Item is being continued. On the continuation page(s), identify the Item number being continued.
6. Type or print legibly.
7. An officer of the corporation must sign and date the completed financial statement on the last page and initial each page in the space provided in the lower right corner.

Penalty for False Information:

Federal law provides that any person may be imprisoned for not more than five years, fined, or both, if such person:

- (1) "in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry" (18 U.S.C. § 1001);
- (2) "in any . . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true" (18 U.S.C. § 1621); or
- (3) "in any (. . . statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information . . . knowing the same to contain any false material declaration." (18 U.S.C. § 1623)

For a felony conviction under the provisions cited above, federal law provides that the fine may be not more than the greater of (i) \$250,000 for an individual or \$500,000 for a corporation, or (ii) if the felony results in pecuniary gain to any person or pecuniary loss to any person other than the defendant, the greater of twice the gross gain or twice the gross loss. 18 U.S.C. § 3571.

BACKGROUND INFORMATION

Item 1. General Information

Corporation's Full Name _____

Primary Business Address _____ From (Date) _____

Telephone No. _____ Fax No. _____

E-Mail Address _____ Internet Home Page _____

All other current addresses & previous addresses for past five years, including post office boxes and mail drops:

Address _____ From/Until _____

Address _____ From/Until _____

Address _____ From/Until _____

All predecessor companies for past five years:

Name & Address _____ From/Until _____

Name & Address _____ From/Until _____

Name & Address _____ From/Until _____

Item 2. Legal Information

Federal Taxpayer ID No. _____ State & Date of Incorporation _____

State Tax ID No. _____ State _____ Profit or Not For Profit _____

Corporation's Present Status: Active _____ Inactive _____ Dissolved _____

If Dissolved: Date dissolved _____ By Whom _____

Reasons _____

Fiscal Year-End (Mo./Day) _____ Corporation's Business Activities _____

Item 3. Registered Agent

Name of Registered Agent _____

Address _____ Telephone No. _____

Item 4. Principal Stockholders

List all persons and entities that own at least 5% of the corporation's stock.

<u>Name & Address</u>	<u>% Owned</u>

Item 5. Board Members

List all members of the corporation's Board of Directors.

<u>Name & Address</u>	<u>% Owned</u>	<u>Term (From/Until)</u>

Item 6. Officers

List all of the corporation's officers, including *de facto* officers (individuals with significant management responsibility whose titles do not reflect the nature of their positions).

<u>Name & Address</u>	<u>% Owned</u>

Item 7. Businesses Related to the Corporation

List all corporations, partnerships, and other business entities in which this corporation has an ownership interest.

<u>Name & Address</u>	<u>Business Activities</u>	<u>% Owned</u>

State which of these businesses, if any, has ever transacted business with the corporation _____

Item 8. Businesses Related to Individuals

List all corporations, partnerships, and other business entities in which the corporation's principal stockholders, board members, or officers (i.e., the individuals listed in Items 4 - 6 above) have an ownership interest.

<u>Individual's Name</u>	<u>Business Name & Address</u>	<u>Business Activities</u>	<u>% Owned</u>

State which of these businesses, if any, have ever transacted business with the corporation _____

Item 9. Related Individuals

List all related individuals with whom the corporation has had any business transactions during the three previous fiscal years and current fiscal year-to-date. A "related individual" is a spouse, sibling, parent, or child of the principal stockholders, board members, and officers (i.e., the individuals listed in Items 4 - 6 above).

<u>Name and Address</u>	<u>Relationship</u>	<u>Business Activities</u>

Item 10. Outside Accountants

List all outside accountants retained by the corporation during the last three years.

<u>Name</u>	<u>Firm Name</u>	<u>Address</u>	<u>CPA/PA?</u>

Item 11. Corporation's Recordkeeping

List all individuals within the corporation with responsibility for keeping the corporation's financial books and records for the last three years.

<u>Name, Address, & Telephone Number</u>	<u>Position(s) Held</u>

Item 12. Attorneys

List all attorneys retained by the corporation during the last three years.

<u>Name</u>	<u>Firm Name</u>	<u>Address</u>

Item 13. Pending Lawsuits Filed by the Corporation

List all pending lawsuits that have been filed by the corporation in court or before an administrative agency. (List lawsuits that resulted in final judgments or settlements in favor of the corporation in Item 25).

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Item 14. Current Lawsuits Filed Against the Corporation

List all pending lawsuits that have been filed against the corporation in court or before an administrative agency. (List lawsuits that resulted in final judgments, settlements, or orders in Items 26 - 27).

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Opposing Party's Name & Address _____

Court's Name & Address _____

Docket No. _____ Relief Requested _____ Nature of Lawsuit _____

_____ Status _____

Item 15. Bankruptcy Information

List all state insolvency and federal bankruptcy proceedings involving the corporation.

Commencement Date _____ Termination Date _____ Docket No. _____

If State Court: Court & County _____ If Federal Court: District _____

Disposition _____

Item 16. Safe Deposit Boxes

List all safe deposit boxes, located within the United States or elsewhere, held by the corporation, or held by others for the benefit of the corporation. *On a separate page, describe the contents of each box.*

<u>Owner's Name</u>	<u>Name & Address of Depository Institution</u>	<u>Box No.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

FINANCIAL INFORMATION

REMINDER: When an Item asks for information about assets or liabilities "held by the corporation," include **ALL** such assets and liabilities, located within the United States or elsewhere, held by the corporation or held by others for the benefit of the corporation.

Item 17. Tax Returns

List all federal and state corporate tax returns filed for the last three complete fiscal years. *Attach copies of all returns.*

<u>Federal/ State/Both</u>	<u>Tax Year</u>	<u>Tax Due Federal</u>	<u>Tax Paid Federal</u>	<u>Tax Due State</u>	<u>Tax Paid State</u>	<u>Preparer's Name</u>
_____	_____	\$ _____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	\$ _____	_____

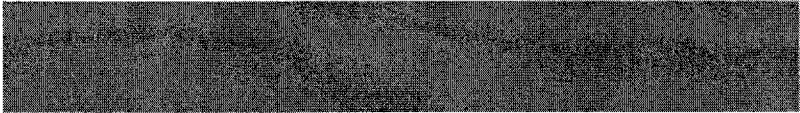
Item 18. Financial Statements

List all financial statements that were prepared for the corporation's last three complete fiscal years and for the current fiscal year-to-date. *Attach copies of all statements, providing audited statements if available.*

<u>Year</u>	<u>Balance Sheet</u>	<u>Profit & Loss Statement</u>	<u>Cash Flow Statement</u>	<u>Changes in Owner's Equity</u>	<u>Audited?</u>

Item 19. Financial Summary

For each of the last three complete fiscal years and for the current fiscal year-to-date for which the corporation has not provided a profit and loss statement in accordance with Item 18 above, provide the following summary financial information.

	<u>Current Year-to-Date</u>	<u>1 Year Ago</u>	<u>2 Years Ago</u>	<u>3 Years Ago</u>
<u>Gross Revenue</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>Expenses</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>Net Profit After Taxes</u>	\$ _____	\$ _____	\$ _____	\$ _____
<u>Payables</u>	\$ _____			
<u>Receivables</u>	\$ _____			

Item 20. Cash, Bank, and Money Market Accounts

List cash and all bank and money market accounts, including but not limited to, checking accounts, savings accounts, and certificates of deposit, held by the corporation. The term "cash" includes currency and uncashed checks.

Cash on Hand \$ _____ Cash Held for the Corporation's Benefit \$ _____

<u>Name & Address of Financial Institution</u>	<u>Signator(s) on Account</u>	<u>Account No.</u>	<u>Current Balance</u>
			\$ _____
			\$ _____
			\$ _____
			\$ _____

Item 21. Government Obligations and Publicly Traded Securities

List all U.S. Government obligations, including but not limited to, savings bonds, treasury bills, or treasury notes, held by the corporation. Also list all publicly traded securities, including but not limited to, stocks, stock options, registered and bearer bonds, state and municipal bonds, and mutual funds, held by the corporation.

Issuer _____ Type of Security/Obligation _____

No. of Units Owned _____ Current Fair Market Value \$ _____ Maturity Date _____

Issuer _____ Type of Security/Obligation _____

No. of Units Owned _____ Current Fair Market Value \$ _____ Maturity Date _____

Item 22. Real Estate

List all real estate, including leaseholds in excess of five years, held by the corporation.

Type of Property _____ Property's Location _____

Name(s) on Title and Ownership Percentages _____

Current Value \$ _____ Loan or Account No. _____

Lender's Name and Address _____

Current Balance On First Mortgage \$ _____ Monthly Payment \$ _____

Other Loan(s) (describe) _____ Current Balance \$ _____

Monthly Payment \$ _____ Rental Unit? _____ Monthly Rent Received \$ _____

Type of Property _____ Property's Location _____

Name(s) on Title and Ownership Percentages _____

Current Value \$ _____ Loan or Account No. _____

Lender's Name and Address _____

Current Balance On First Mortgage \$ _____ Monthly Payment \$ _____

Other Loan(s) (describe) _____ Current Balance \$ _____

Monthly Payment \$ _____ Rental Unit? _____ Monthly Rent Received \$ _____

Item 23. Other Assets

List all other property, by category, with an estimated value of \$2,500 or more, held by the corporation, including but not limited to, inventory, machinery, equipment, furniture, vehicles, customer lists, computer software, patents, and other intellectual property.

<u>Property Category</u>	<u>Property Location</u>	<u>Acquisition Cost</u>	<u>Current Value</u>
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Item 24. Trusts and Escrows

List all persons and other entities holding funds or other assets that are in escrow or in trust for the corporation.

<u>Trustee or Escrow Agent's Name & Address</u>	<u>Description and Location of Assets</u>	<u>Present Market Value of Assets</u>
		\$
		\$
		\$
		\$
		\$
		\$
		\$

Item 25. Monetary Judgments and Settlements Owed To the Corporation

List all monetary judgments and settlements, recorded and unrecorded, owed to the corporation.

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Item 26. Monetary Judgments and Settlements Owed By the Corporation

List all monetary judgments and settlements, recorded and unrecorded, owed by the corporation.

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Opposing Party's Name & Address _____

Court's Name & Address _____ Docket No. _____

Nature of Lawsuit _____ Date of Judgment _____ Amount \$ _____

Item 27. Government Orders and Settlements

List all existing orders and settlements between the corporation and any federal or state government entities.

Name of Agency _____ Contact Person _____

Address _____ Telephone No. _____

Agreement Date _____ Nature of Agreement _____

Item 28. Credit Cards

List all of the corporation's credit cards and store charge accounts and the individuals authorized to use them.

Name of Credit Card or Store

Names of Authorized Users and Positions Held

Item 29. Compensation of Employees

List all compensation and other benefits received from the corporation by the five most highly compensated employees, independent contractors, and consultants (other than those individuals listed in Items 5 and 6 above), for the two previous fiscal years and current fiscal year-to-date. "Compensation" includes, but is not limited to, salaries, commissions, consulting fees, bonuses, dividends, distributions, royalties, pensions, and profit sharing plans. "Other benefits" include, but are not limited to, loans, loan payments, rent, car payments, and insurance premiums, whether paid directly to the individuals, or paid to others on their behalf.

<u>Name/Position</u>	<u>Current Fiscal Year-to-Date</u>	<u>1 Year Ago</u>	<u>2 Years Ago</u>	<u>Compensation or Type of Benefits</u>
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	

Item 30. Compensation of Board Members and Officers

List all compensation and other benefits received from the corporation by each person listed in Items 5 and 6, for the current fiscal year-to-date and the two previous fiscal years. "Compensation" includes, but is not limited to, salaries, commissions, consulting fees, dividends, distributions, royalties, pensions, and profit sharing plans. "Other benefits" include, but are not limited to, loans, loan payments, rent, car payments, and insurance premiums, whether paid directly to the individuals, or paid to others on their behalf.

<u>Name/Position</u>	<u>Current Fiscal Year-to-Date</u>	<u>1 Year Ago</u>	<u>2 Years Ago</u>	<u>Compensation or Type of Benefits</u>
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	

Item 31. Transfers of Assets Including Cash and Property

List all transfers of assets over \$2,500 made by the corporation, other than in the ordinary course of business, during the previous three years, by loan, gift, sale, or other transfer.

<u>Transferee's Name, Address, & Relationship</u>	<u>Property Transferred</u>	<u>Aggregate Value</u>	<u>Transfer Date</u>	<u>Type of Transfer (e.g., Loan, Gift)</u>
		\$		
		\$		
		\$		
		\$		
		\$		

Item 32. Documents Attached to the Financial Statement

List all documents that are being submitted with the financial statement.

<u>Item No.</u>	<u>Document</u>	<u>Description of Document</u>
1	Relates To	

[illegible]

I am submitting this financial statement with the understanding that it may affect action by the Federal Trade Commission or a federal court. I have used my best efforts to obtain the information requested in this statement. The responses I have provided to the items above are true and contain all the requested facts and information of which I have notice or knowledge. I have provided all requested documents in my custody, possession, or control. I know of the penalties for false statements under 18 U.S.C. § 1001, 18 U.S.C. § 1621, and 18 U.S.C. § 1623 (five years imprisonment and/or fines). I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on:

(Date)

Signature

Corporate Position