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FILED  
U.S. DISTRICT COURT  
INDIANAPOLIS DIVISION

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LAURA A. CAIGES  
CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES SECURITIES )  
AND EXCHANGE COMMISSION, )  
 )  
Plaintiff, )

Civil Action No. IP00-1265 C -T/K

KENNETH R. PAYNE, )  
JOHANN M. SMITH, )  
DANIEL G. DANKER, CONSTANCE )  
BROOKS-KIEFER, )  
HEARTLAND FINANCIAL SERVICES, )  
INC., AND JMS INVESTMENT )  
GROUP, LLC. )  
 )  
Defendants. )

**MOTION FOR ORDER REQUIRING THE INDIANA BUREAU OF  
MOTOR VEHICLES TO ISSUE TITLE IN THE NAME OF THE RECEIVER**

James A. Knauer, Court-appointed Receiver for Kenneth R. Payne, Johann M. Smith, Daniel G. Danker, Constance Brooks-Kiefer, Heartland Financial Services, Inc., and JMS Investment Group, LLC, by counsel, states the following for his Motion:


1. The Receiver commenced a lawsuit against Valerie Cork and several other defendants believed to be holding property belonging to the Receivership.
2. As part of a settlement with Valerie Cork, the Receiver obtained possession of a 1992 Cadillac automobile, which is more particularly described in the copy of the Indiana Certificate of Title attached and made a part of this Motion as Exhibit "A."
3. Valerie Cork purchased the vehicle on August 30, 2000 using funds she obtained from Kenneth Payne. She failed to register the vehicle in her name; therefore, she paid no sales tax on the transaction.

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4. In order to sell the vehicle at auction and use the proceeds to satisfy claims of the Receivership, it is necessary for the Receiver to have title to the vehicle.

WHEREFORE, the Receiver respectfully requests that the Court enter an Order requiring the Indiana Bureau of Motor Vehicles to issue a title to the above-referenced vehicle in the name of James A. Knauer, Receiver.

***KROGER, GARDIS & REGAS, L.L.P.***

By:   
\_\_\_\_\_ Samuel D. Hodson

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing has been served upon the following parties by placing a copy of the same in the United States Mail, first class postage prepaid, on this 1 day of April, 2002:

Paul A. Montoya  
Kara M. Washington  
Jeannette L. Lewis  
United States Securities and  
Exchange Commission  
175 West Jackson Boulevard  
Suite 900  
Chicago, Illinois 60604

Fred D. Scott  
Attorney at Law  
55 Monument Circle  
Suite 814  
Indianapolis, Indiana 46204


Dexter B. Johnson  
Mallon & Johnson, P.C.  
19 S. LaSalle Street  
Suite 1202  
Chicago, Illinois 60603

Dennis Zahn  
Symmes, Voyles, Zahn, Paul & Hogan  
700 Jefferson Plaza  
One Virginia Avenue  
Indianapolis, Indiana 46204

Linda M. Wagoner  
Attorney at Law  
156 East Market Street, Suite 900  
Indianapolis, Indiana 46204

Joseph L. Meadows - via fax as well due  
to 9/11 - 202-514-5238  
U.S. Department of Justice  
P.O. Box 55  
Ben Franklin Station  
Washington DC 20044

John C. Hoard  
Ryan Johanningsmeier  
Rubin & Levin, P.C.  
500 Marott Center  
342 Massachusetts Avenue  
Indianapolis, Indiana 46204-2161



Samuel D. Hodson

***Kroger, Gardis & Regas, L.L.P.***  
111 Monument Circle, Suite 900  
Indianapolis, Indiana 46204-5125  
317-692-9000 - phone  
317-264-6832 - fax

# INDIANA CERTIFICATE OF TITLE



State Form 9647 (7/2-98)  
Form Approved by State Board of Accounts, 1995



**VEHICLE IDENTIFICATION**      **YEAR**      **MAKE**      **MODEL**      **BODY STYLE**  
**1G6CD53B4N4263655**      **92**      **CAD**      **CD53**      **4S**  
**PURCHASE DATE**      **ISSUE DATE**      **ODOMETER**      **LEGEND(S)**  
**11/06/98**      **08/08/00**      **092000**      **\*ODOMETER - ACTUAL**

**OWNER(S) NAME AND ADDRESS**  
**WILLIAM E & JANICE E OGLE**  
**10351 MOLLENKOPF RD**  
**FISHERS IN 46038**

**MAILING ADDRESS**  
**WILLIAM E & JANICE E OGLE**  
**10351 MOLLENKOPF RD**  
**FISHERS IN 46038-9682**

1st LIEN  
  
2nd LIEN

LIEN RELEASES	
First Release by	
Title	Date (mo., day, yr.)
Second Release by	
Title	Date (mo., day, yr.)

See back for Seller and Purchaser Requirements.

SELLER MUST COMPLETE	PURCHASER'S INFORMATION
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We swear or affirm that the information entered on this form is correct. We understand that a false statement may constitute the crime of perjury.

I certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked:

Odometer Reading (in tenths)	<input type="checkbox"/> 1. The odometer reading stated is in excess of its mechanical limits.	Name of purchaser	Dealer number
1/4089	<input checked="" type="checkbox"/> 2. The odometer reading is NOT actual mileage. <b>WARNING - ODOMETER DISCREPANCY</b>	Valerie Cork	
Signature of seller	Position	Address	City
William E. Ogle		9817 Golfstream Drive	Fishers
Signature of seller	Position	State	ZIP code
Janice E. Ogle		IN	46038
Printed name of seller		Lienholder	
William E. Ogle			
Printed name of seller		Address	
Janice E. Ogle			
Date of sale	Selling price	Trade-in price (if any)	Total price paid
8/20/00	\$ 4000	\$ 0	\$ 4000 <sup>00</sup>
I am aware of the odometer statements made by seller(s)		Signature of purchaser	
		Valerie Cork	
The Commissioner of the Bureau of Motor Vehicles, pursuant to the laws of the State of Indiana, certifies that the vehicle has been duly titled and the owner of the described vehicle is subject to the liens set forth.		Printed name of purchaser	
INVENTORY CONTROL NO.		TITLE NUMBER	
B4941642		00105151085 P	

B4941642
GARY A. GIBSON
00105151085 P

DO NOT ACCEPT TITLE SHOWING ANY ERASURES, ALTERATIONS OR MUTILATIONS

