

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,

Plaintiff,

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

Defendants.

Civil Action No. IP00-1265 C

Judge John D. Tinder

**SUBPOENA DUCES TECUM**

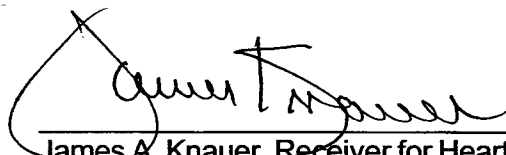
TO: NATIONAL CITY BANK OF INDIANA  
Attention: Keeper of the Records  
National City Center  
101 West Washington Street  
Indianapolis, IN 46255

You are hereby commanded to produce for inspection and/or copying on or before **March 1<sup>st</sup>, 2001 at 9:00 a.m.** at the offices of Kroger, Gardis & Regas, LLP, 111 Monument Circle, Suite 900, Indianapolis, Indiana 46204, the following documents relating to any account maintained with National City Bank by **David R(obert) Baldwin, Social Security No. 308-56-6877, DOB: 1/9/51, Indiana Driver's License No. 8937-04-0298 ("Baldwin")**:

**SEE SCHEDULE A ATTACHED HERETO**

Fail not under penalty of law.

Sworn to before me and subscribed to in my presence this 3<sup>rd</sup> day of FEB January, 2001



James A. Knauer, Receiver for Heartland Financial Services  
Inc. and JMS Investment Group, LLC.

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## SCHEDULE A

You are instructed to produce for copying and/or inspection the following documents<sup>1</sup> or things:

1. Copies of all any and all records relating to any and all checking, savings or any other types of account(s) maintained by Baldwin, from January 1, 1998 to present, with National City Bank, including but not limited to the following:
  - A. All documents completed to open the account(s);
  - B. All checks drawn from any checking account(s) from its inception to present;
  - B. All checks deposited into the account(s) from its inception to present;
  - C. All deposit slips pertaining to the account(s) from its inception to present;
  - D. Copies of all statements relating to the account(s) from its inception to present, including a current statement listing the present balance;
  - E. All documents presented to National City Bank to open the account(s);
  - F. All correspondence related to the account(s);
2. Any and all other documents not specifically requested above which relate to any account(s) maintained by Baldwin with National City Bank and/or the bearer of such account(s).

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<sup>1</sup> The term "documents" as used in this subpoena means the original or an identical and legible copy thereof, and all non-identical copies (whether different from the original by reason of notations made on such copies or otherwise), regardless of origin or location, of any writings or records of any type or description, however produced or reproduced, including but not limited to any papers or books, records, letters, photographs, videotapes, audiotapes, correspondence, communications, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, conferences, or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, advertisements, instructions, charges, manuals, brochures, publications, schedules price lists, client lists, journals, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing program library, data processing input and output, electronic mail, microfilm, books of accounts, records and invoices reflecting business operations, all records kept by electronic, photographic or mechanical means, any notes or drafts relating to the foregoing, and all things similar to any of the foregoing, however denominated. The term refers to all documents in your control or possession or which have been in your control or possession at any time during the past five years and includes any documents located in your files at the facility at which you work.

#### Attachment to Non-Party Subpoena

Rule 34 of the Indiana Rules of Trial Procedure provides that a request for production of documents may be served on a non-party. The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts. The party upon whom the request is served shall serve a written response within a period designated in the request, not less than thirty [30] days after the service thereof or within such shorter or longer time as the court may allow. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless it is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The party submitting the request may move for an order under Rule 37(A) with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.

The witness or person to whom a request for production of documents is directed is entitled to security against damages or payment of damages resulting from such request and may respond to such request by submitting to its terms, by proposing different terms, by objecting specifically or generally to the request by serving a written response to the party making the request within thirty (30) days or by moving to quash as permitted by Rule 45(B). A party who produces documents for inspection shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.

**AFFIDAVIT OF SERVICE**

\_\_\_\_\_, after being duly sworn, state  
(name)

that I am and at all times during the service of the foregoing subpoena was, not less than 18 years of age and not a party to the matter concerning which service was made. I further certify that the service of this notice was made upon \_\_\_\_\_

\_\_\_\_\_  
(name of person on whom subpoena was served)

on the \_\_\_\_\_ day of \_\_\_\_\_, 2001, by personal service, by:

handing it to the above named person personally at:

\_\_\_\_\_  
(address where service was made)

Under penalty of perjury, I declare that the foregoing is true and correct and is based on personal knowledge.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Business Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Phone number

STATE OF INDIANA

) SS:

COUNTY OF MARION

Before me, a Notary Public, in and for said County and State, personally appeared \_\_\_\_\_, who acknowledged the execution of the foregoing Affidavit and who, having been duly sworn, under the penalties of perjury, stated that the facts and matters therein set forth are true and correct.

WITNESS my hand and Notarial Seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_

Notary Public

County of Residence:

\_\_\_\_\_

\_\_\_\_\_

Printed