

1/12/01

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

JAMES A. KNAUER as the Court Appointed )  
Receiver for HEARTLAND )  
FINANCIAL SERVICES, INC., and JMS )  
INVESTMENT GROUP, LLC, )

Cause No. IP00-1862-C-DAE T/9

Plaintiff, )

v. )

VALERIE CORK, RICHARD M. PAYNE, )  
DANIEL G. DANKER, KENNETH R. PAYNE )  
A/K/A DORIS PAYNE, WAYNE GAINEZ )  
BENJAMIN STEINBERG, GARY MAY, )  
BRADLEY BYTHEWAY, )  
JOHN DOE # 1, JANE DOE # 1, )  
JOHN DOE # 2, JANE DOE # 2, )  
JOHN DOE # 3, and JANE DOE # 3, )

Defendants. )

PREJUDGMENT ORDER OF POSSESSION

This cause is before the Court for consideration of Plaintiff's Motion for Order for Prejudgment Possession. The Plaintiff has filed a written undertaking in the amount fixed by the Court. Having considered the pleadings, affidavits and testimony, the Court **NOW FINDS** there is a reasonable probability that the Plaintiff is entitled to possession pending final adjudication of the claims of the parties; that the Defendant has not controverted Plaintiff's affidavit or otherwise shown cause why a prejudgment order of possession should not issue; and the Plaintiff's written undertaking is approved by the Court.

**WHEREFORE, IT IS HEREBY ORDERED** that: (1) a Federal Marshall shall seize and take into custody the 1995 Cadillac VIN 1G6KD52B3SU274090 and deliver it to the Plaintiff, unless the Defendant files a written undertaking for the redelivery of said property on or

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before Jan 26, 2001; (2) that Plaintiff to hold said property pending final adjudication; (3) the Federal Marshall return this Order within five (5) days after seizing said property with his proceedings thereon; (4) the Defendant has the right to object to the surety upon Plaintiff's written undertaking or to file a bond in the amount of \$11,800.00 for the redelivery of such property within the time herein above fixed.

SO ORDERED THIS 12<sup>th</sup> DAY OF Jan, 2001.

**John Daniel Tinder**

Judge, United States District Court  
Southern District of Indiana

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