

# United States District Court

SOUTHERN

DISTRICT OF

INDIANA

UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

V.

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

Defendants.

## SUMMONS IN A CIVIL CASE

CASE NUMBER:

1 P 00 - 1 2 6 5 C - T / G

TO: (Name and address of defendant)

Johann M. Smith  
8342 Tequista Circle  
Indianapolis, Indiana 46236

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

United States Securities And Exchange Commission  
500 West Madison Street, Suite 1400  
Chicago, Illinois 60661

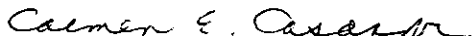
an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

  
CLERK

CLERK

DATE

8-10-00



(BY) DEPUTY CLERK

**NOTICE OF LAWSUIT AND REQUEST FOR  
WAIVER OF SERVICE FOR SUMMONS**

**FP00-1265 C - T/G**

TO: (A) Johann M. Smith

as (B) \_\_\_\_\_ of (C) \_\_\_\_\_

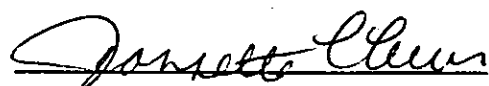
A lawsuit has been commenced against you (or the entity on whose behalf you are addressed.) A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) SOUTHERN district of INDIANA and has been assigned docket number (E) \_\_\_\_\_.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) 30 days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States.)

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the reverse side (or at the foot) of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this 9th day of August, 2000.

  
Signature of Plaintiff's Attorney  
or Unrepresented Plaintiff

- A - Name of individual defendant (or name of officer or agent of corporate defendant)
- B - Title, or other relationship of individual to corporate defendant
- C - Name of corporate defendant, if any
- D - District
- E - Docket Number of Action
- F - Addressee must be given at least 30 days ( 60 days if located in foreign country) in which to return waiver