

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA 00 OCT 19 PM 2:42

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.)

CLERK
OF INDIANA
LAURA A. BRIGGS
CLERK

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

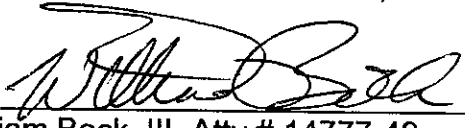
**RECEIVER'S MOTION FOR AUTHORITY TO TAKE POSSESSION OF
ASSETS OF CHARMAR, LTD.**

James A. Knauer, the Receiver for Heartland Financial Services, Inc. ("Heartland")
and its affiliated companies, in support of his motion states:

1. In carrying out his duties to trace assets of Heartland, the Receiver has obtained information about an entity created by defendant, Kenneth Payne, named Charmar, Ltd.
2. Based upon interviews conducted by the Receiver, including the Defendant Constance Brooks Kiefer, the Receiver has determined that Charmar, Ltd. was a fictitious name used to obtain a rental storage facility agreement here in Indianapolis.
3. The Receiver has verified with the storage facility that the signature authority on the storage facility agreement was under the name of "Connie Brooks" and the defendant Constance Kiefer Brooks has denied any interest in any property contained in the facility, although acknowledging the existence of such a facility as one used by Kenneth Payne.

THEREFORE, the Receiver requests that the court issue an order directing he may take possession of all assets of Charmar, Ltd.

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

By: 
William Bock, III, Atty # 14777-49
Attorneys for Receiver, James A. Knauer

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Indianapolis, Indiana 46244-0941

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 pre-paid, on this 9th day of October, 2000:

Paul A. Montoya
United States Securities and Exchange Commission
500 West Madison Street
Suite 1400
Chicago, Illinois 60661

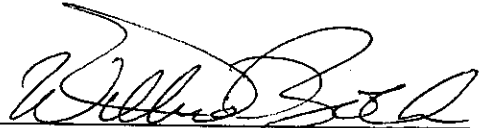
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