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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA

9 State of Arizona
10 vs.
11 \$1,054,216.80 and the proceeds of accounts
12 held at Bank One, N.A.
13
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No. SW 2005-002516
SEIZURE WARRANT

15 Upon application by the State and proof by Affidavit attached thereto made before
16 me this day, this Court finds that there is probable cause to believe that conduct giving rise
17 to forfeiture has occurred with respect to all of the property described in Appendix One
18 hereto and that forfeiture pursuant to A.R.S. §§ 13-2314, and 13-4301 *et seq.*, and based on
19 conduct described in A.R.S. §§ A.R.S. §§ 13-1802, Theft; 13-2310 Fraudulent Schemes;
20 and §13-2317, Money Laundering, is authorized. Pursuant to A.R.S. § 13-4310(F), title to
21 all such property vested in the State on the commission of the conduct giving rise to its
22 forfeiture, together with the proceeds of the property after such time. Any such property or
23 proceeds subsequently transferred to any person are subject to forfeiture and will be ordered
24 forfeited unless a claimant or claimants complies with A.R.S. § 13-4311 and makes the
25 proof required by A.R.S. § 13-4304.

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IT IS THEREFORE ORDERED THAT:

1. Any peace officer in the State of Arizona shall seize all of the property described in Appendix One hereto for forfeiture pursuant to A.R.S. §§ 13-4301 *et seq.*, and 13-2314 by any means provided in A.R.S. § 13-4306, conducting the service of this warrant with the same powers and restrictions as provided for service of search warrants in A.R.S. §§ 13-3916 and 13-3917.

2. The seizing agency shall provide this Court with a copy of its Notice of Seizure for Forfeiture of property seized under this warrant, including property seized incident to this warrant pursuant to A.R.S. § 13-3916(C) or A.R.S. § 13-4305, and retain the property in the actual or constructive custody of the law enforcement agency making the seizure for forfeiture for this Court, subject only to the orders of the court having jurisdiction over the forfeiture proceeding and to the acts of the seizing agency or the Attorney for the State pursuant to A.R.S. § 13-4301 *et seq.* As soon as practicable after seizure for forfeiture, the seizing agency shall conduct an inventory pursuant to its standard procedures and estimate the value of the property seized.

3. All seized property and its proceeds shall remain subject to the order of the Court pursuant to A.R.S. §§ 13-4301 *et seq.* and 13-2314.

4. Pursuant to A.R.S. §13-4306(D), a person who acts in good faith and in a reasonable manner to comply with this order or with a request of a peace officer serving this Seizure Warrant is not liable to any person for acts done in compliance with this Seizure Warrant or with the peace officer's request.

5. Pursuant to A.R.S. §13-4306(E), a possessory lien of a person from whose possession property is seized pursuant to this Seizure Warrant shall not be affected by its seizure.

6. In relation to each item in Appendix One which is being seized for forfeiture as substitute assets pursuant to A.R.S. §13-2314(D), (E) or (G) or pursuant to A.R.S. §13-4313(A), in addition to seizure as proceeds, this Court finds that there is probable cause to

1 believe that other property is subject to forfeiture, in particular: money received through
2 theft, fraud and money laundering in the amount of \$1,054,216.80, and that such other
3 property is not available for seizure for one or more of the reasons described in A.R.S. §13-
4 4313(A).

5 7. Any person in possession or control of any of the property described in Appendix
6 One shall deliver it to the officer serving this warrant.

7 8. Any person in possession of records or information relating to the source, use or
8 ownership of any of the property described in Appendix One shall, at no cost to themselves,
9 produce such records or information for inspection or copying by the officer executing this
10 warrant.

11 9. Any person in possession or control of any of the property described in Appendix
12 One consisting of money, a negotiable instrument, an investment account, mutual fund
13 account, annuities, municipal bonds, a debt or an account of any kind shall deliver it to the
14 officer serving this warrant, or may immediately convey it to the Clerk of the Superior
15 Court for Maricopa County, upon service of this warrant, and shall refer on the conveying
16 document to the number of this warrant. If property seized under this warrant consists of
17 cash, it shall be deposited in an interest-bearing account unless needed as evidence. The
18 deposit may be through the Clerk of the Court or at any financial institution selected by the
19 seizing agency.

20 10. Any trustee, bailee or third party, including any financial institution holding any
21 account described in Appendix One, shall prepare a cashier's check or like instrument in the
22 amount of the account balance as of the time of service upon them of this warrant including
23 all the principal and interest. The instrument shall be made to the order of the Clerk of the
24 Superior Court for Maricopa County, and shall be delivered to the clerk or may, if the third
25 party is a financial institution, be placed in a separate interest-bearing account at the
financial institution in the name of the Clerk, and shall refer to the number of this warrant.

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2 11. If properties described in Appendix One are contained within a safe deposit box,
3 the financial institution is directed that no person may access the safe deposit box except for
4 the seizing agency pursuant to this warrant. The financial institution is further directed to
5 drill the safe deposit box if necessary to allow access and release the contents to the officer
6 serving this warrant. The officer shall inventory the contents of each safe deposit box, shall
7 permit a representative of the financial institution to be present for the inventory, and shall
8 leave a written Notice of Seizure for Forfeiture as a receipt in each safe deposit box and
9 with the financial institution.

10 12. Any debtor or trustee, whose obligation is listed in Appendix One, and any
11 insurer of property described in Appendix One who becomes liable to any person by reason
12 of insurance relating to the property, shall make all payments of principal and interest due
13 on the obligation or insurance after service upon them of this warrant to the Clerk of the
14 Superior Court for Maricopa County, and shall refer to the number of this warrant with each
15 such payment. Payments shall be on the same terms and conditions in existence at the time
16 of service of this warrant.

17 13. The Clerk of the Superior Court shall identify all funds deposited with the Clerk
18 pursuant to this warrant to this warrant number, and shall maintain such funds in an
19 interest-bearing account or investment, in the custody of this Court, and retain them in the
20 constructive custody of the seizing agency by keeping both principal and interest
21 identifiable and available for further order of this Court.

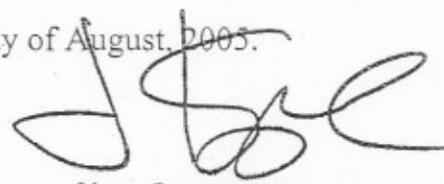
22 14. Each person served with this Seizure Warrant as an owner or interest holder is
23 further ordered to immediately serve notice of this Order on all of his or her agents,
24 accountants, attorneys, securities intermediaries, bailees, banks, debtors an any person
25 holding or in control of property in which he or she is an owner or interest holder. All
persons who receive notice or actual knowledge of this Seizure Warrant by personal service
or otherwise are ordered not to convey, alienate, encumber, dispose of, remove from the

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jurisdiction of this Court, conceal or otherwise render unavailable for forfeiture any property described in Appendix One hereto.

15. Any an owner of or is an interest holder in property seized under the terms of this order may file an application to this court seeking modification of the terms of this order. The application shall be served on the Attorney for the State and on all other persons known to have an interest in the property, shall specify the reasons for the modifications sought and shall set forth the proposed language of the modification. Upon receipt of the application this court will set an expedited hearing on the application within ten days, allowing time for the persons with interests in the property, including the Attorney for the State, to consider entering into a stipulation with the custodian or other person whose property is seized regarding the proposed modifications.

DONE IN OPEN COURT this ___ day of August, 2005.



Hon. James H. Keppel
JUDGE OF THE SUPERIOR COURT

The foregoing instrument is a full, true and correct copy of the original on file in this office:

Attest Aug 16, 2005
MICHAEL K. DEANES, Clerk of the Superior Court of the State of Arizona, in and for the County of Maricopa.

By [Signature]

APPENDIX ONE

1) Assets held in the name of or for the benefit of Delia P. Kerr, particularly:

1.1 assets held by Bank One, N.A. in any Bank One account

1.2 assets held by Bank One, N.A. invested with Chase Investment Services Corporation

1.3 assets held by Bank One, N.A. invested with The Hartford