

Elizabeth M. Streit, Lead Trial Attorney
Scott R. Williamson, Deputy Regional Counsel
Rosemary Hollinger, Regional Counsel
Commodity Futures Trading Commission
525 West Monroe Street, Suite 1100
Chicago, Illinois 60661
312-596-0537
ES-2235
SW-9752
RH-6870

Paul Blaine
Assistant United States Attorney
for the District of New Jersey
Camden Federal Building & U.S. Courthouse
401 Market Street, 4th Floor
Camden, New Jersey 08101
856-757-5412
PB-5422

**In The United States District Court
For The District Of New Jersey
Camden Vicinage**

Commodity Futures Trading Commission,
Plaintiff,

vs.

Equity Financial Group LLC,
Tech Traders, Inc., Tech Traders, Ltd.,
Magnum Investments, Ltd., Magnum
Capital Investments, Ltd., Vincent J. Firth,
Robert W. Shimer, Coyt E. Murray, and
J. Vernon Abernethy,
Defendants.

Hon. Robert B. Kugler
District Court Judge

Hon. Ann Marie Donio
Magistrate

**Civil Action No: 04-1512
(RBK)**

OBJECTION OF THE COMMODITY FUTURES TRADING COMMISSION TO THE CLAIMS OF THE STERLING ENTITIES

The Commodity Futures Trading Commission (the “CFTC” or the “Commission”) objects to any distribution of funds in the receivership estate to Sterling ACS Ltd., Sterling Alliance Ltd., Sterling Casualty & Insurance Ltd., Sterling Bank Limited, Sterling (Anguilla) Trust Ltd., Sterling Investment Management Ltd, or Strategic Investment Portfolio LLC (the “Sterling Entities” or “Sterling”) until Sterling responds to the Commission’s repeated attempts to take discovery from their personnel. For over seven months, the Sterling Entities have delayed, avoided or refused to produce documents and testimony that could shed light on their role in the fraud perpetuated by the Defendants in this case. The chronology of events described below details a disturbing evasiveness that casts suspicion on Sterling’s part in this massive fraud.

As the Commission set out in Plaintiff’s Memorandum in Opposition to the Renewed Motion of Sterling to Intervene (“Memorandum in Opposition”) and the Streit Declaration attached thereto (Exhibit B thereto)¹, the Commission learned in August 2004 that Walter Hannen, president of Sterling Bank, a claimant in this case, took a backup tape from Defendant J. Vernon Abernethy, which Abernethy asserts contains information about his work for Tech Traders and Sterling Casualty and Insurance.² Hannen told Abernethy he gave it to Vernice Woltz, wife of Howell Woltz and principal in many of the Sterling Entities.³ Exhibit B at ¶2.

¹ Exhibit B has been reattached to this Objection for ease of reference.

² In addition to verifying Tech Traders’ false trading results, Abernethy was the president of Sterling Casualty & Insurance, a claimant in this case. Howell Woltz testified at his deposition that Abernethy also solicited several investors for Strategic Investment Portfolio, another claimant. According to the claim form signed by Howell Woltz, those investors’ funds were ultimately invested with Defendant Tech Traders. See claim form, attached as Exhibit C hereto.

³ Ms. Woltz was the Sterling Entities’ only witness in the May 2004 hearing on the Sterling Entities emergency motion to obtain release of the frozen funds to them. She is the Chief

The removal of this tape is in direct violation of ¶ 4 of the Consent Order of Preliminary Injunction Against J. Vernon Abernethy, which states:

Until further order of this Court, Defendant and each firm, corporation, partnership, association or other person or entity which holds or is a depository of his funds, securities, assets or other property of any kind, are prohibited from directly or indirectly transferring, withdrawing, removing or disposing of any such funds, securities, assets or other property. Any firm, corporation, partnership, association or other person or entity which holds or is a depository of his funds, securities, assets or other property of any kind is also required to expeditiously comply with subpoenas or requests for production of documents for accounts in the name of the Defendant.

See Exhibit E. (emphasis added).

The Commission has been attempting to obtain this property, which likely contains evidence in this case, since it first found out it had been removed from Abernethy's possession back in August 2004. Its efforts to do so through October 2004 are outlined in Exhibit B at ¶¶ 3 through 13 and its further futile attempts since that date are outlined in Exhibit A at ¶¶ 1, 4, 8, and 10. The back-up tape was also discussed at Howell Woltz's deposition on December 10, 2004 and Woltz's attorney promised to produce the tape. See Exhibit D at 12-13. After giving the Commission a series of excuses as to why the tape has still not been produced, after seven months, Sterling wrote the Commission on March 21, 2005 in response to the Commission's March 14, 2005 letter request drafted in compliance with this Court's Order, and stated that it will produce only hard copies of documents "which relate to the deposit or withdrawal of funds to or from Tech Traders." See March 14, 2005 Commission letter and March 21, 2005 Sterling letter, attached as Exhibits F and G hereto. This tape should be turned over in its entirety. It was taken from Abernethy shortly after this case was filed and after Walter Hannen had access to the original computer from which it was made. *See Exhibit B at ¶ 2.* The backup tape needs to be

Financial Officer of and a shareholder in Sterling, ACS, on the Board of Directors, Treasurer of and shareholder in Sterling Trust (Anguilla), and part owner of Sterling Alliance. *See Exhibit D, Howell Woltz Deposition, pp. 31-32, 37-40, 57.*

compared to what is on the computer from which it is made. Sterling is concealing evidence in this case that has to be turned over and should have been turned over long ago.⁴

In addition to its refusal to turn over property subject to Court Order, Sterling has been dilatory and evasive in its responses to the Commission's discovery requests. The Commission detailed in its Memorandum in Opposition and Exhibit B thereto its attempts to obtain documents from Walter Hannen and documents and testimony from Vernice Woltz. Sterling's attorney refused to accept service of subpoenas on Hannen and Vernice Woltz. See Exhibit 3 at ¶¶ 3 through 13. The Commission then hired process servers. Walter Hannen was served on October 26, 2004 with a subpoena requesting documents related to any of the defendants in the case as well as the computer back-up tape obtained from Abernethy. *See* Declaration of Elizabeth M. Streit, attached as Exhibit A hereto at ¶ 1. His attorney claimed he had no responsive documents, despite the fact that Hannen received bank statements for Sterling Bank, which transferred millions of dollars to Tech Traders, at his home in Denver, North Carolina. *See* Exhibit A at ¶ 3 and Declaration of Joy McCormack, attached as Exhibit B to Reply of Stephen T. Bobo, Equity Receiver, to Objections to Motion for Authority to Make Interim Distribution at ¶7. The Commission requested an affidavit by which Hannen swore under oath that he had no documents responsive to the Commission subpoena. Exhibit A at ¶4. Three months later, on January 26, 2005, after repeated requests for the affidavit, Sterling's counsel sent a Declaration stating Hannen had no responsive documents in his "personal possession custody or control." Exhibit A at ¶12.

⁴ In an effort to be accommodating, the Commission agreed to provide information on deletions from Abernethy's original computer during a phone conference with Sterling's counsel on March 25, 2005. However, the Commission still asserts that the backup tape should be turned over in its entirety.

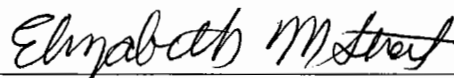
Although Hannen eventually responded to a Commission subpoena, Vernice Woltz has continued to avoid and evade service of subpoenas on her. After her counsel refused to accept service, the Commission hired a process server in September, who was unable to serve her. See Exhibit B at ¶ 7. The Commission then ordered an expensive “stakeout” of the Woltz residence in an attempt to obtain service on Ms. Woltz. The detailed due diligence report filed by the process server describes how she evaded service on at least two of the four times the process server visited the residence. See ¶ 7 to Exhibit A and Attachment 4 thereto. The process server noted in his report that “[s]everal members of the household were observed entering the residence as investigator arrived. This was a clear case of avoiding service.”

Finally, the Commission requested the assistance of U.S. Immigration and Customs to serve Ms. Woltz when she was entering or leaving the country. Service was finally obtained on her on March 5, 2005. See Exhibit A at ¶15. However, her attorney still refuses to produce her for a deposition. He sent a letter to the Commission claiming that the subpoena was defective because it called for her attendance in Charlotte, where her husband’s and other depositions in the case had taken place, instead of in the Middle District of North Carolina where she resides. See Exhibit A at ¶17. Although the Commission has agreed to take the deposition somewhere in the Middle District to cure any alleged defect, Sterling’s counsel still refuses to produce her. Ms. Woltz is an officer and/or director and/or owner of most of the Sterling entities and appeared on all their behalves last year in support of a motion to try to obtain a large portion of the funds that had been frozen for the benefit of all investors. She is an important witness, not only in support of Sterling’s claim to the frozen funds but also as to Sterling’s role in the fraud that occurred in this case. The Commission should be allowed to depose her before any hearing on Sterling’s objections takes place.

For the above stated reasons, the Commission objects to the Sterling Entities' claims and requests that any hearing on those claims be deferred until they comply with the Commission's discovery requests.

Date: March 31, 2005

Respectfully submitted,



Elizabeth M. Streit
Lead Trial Attorney
A.R.D.C. No. 06188119

Scott R. Williamson
Deputy Regional Counsel
A.R.D.C. No. 06191293

Commodity Futures Trading Commission
525 West Monroe Street, Suite 1100
Chicago, Illinois 60661
(312) 596-0537 (Streit)
(312) 596-0520 (Hollinger)
(312) 596-0560 (Williamson)
(312) 596-0700 (office number)
(312) 596-0714 (facsimile)

EXHIBIT

A

**Declaration under penalty of perjury of
Elizabeth M. Streit pursuant to 28 U.S.C. § 1746**

I, Elizabeth M. Streit, hereby declare as follows:

1. I am an attorney admitted to practice in the State of Illinois and am a Trial Team Leader with the Division of Enforcement of the United States Commodity Futures Trading Commission (“Commission” or “CFTC”), an independent regulatory agency of the United States Government. I have been employed with the Commission’s Division of Enforcement since 1998. I am the Lead Trial Attorney in the matter *Commodity Futures Trading Commission v. Equity Financial Group, LLC, Tech Traders, Inc, Tech Traders, Ltd., Magnum Investments, Ltd., Magnum Capital Investments, Ltd., Vincent J. Firth, Robert W. Shimer, Coyt E. Murray and J. Vernon Abernethy*, 04CV 1512, filed in the United States District Court for the District of New Jersey.
2. On October 26, 2004, the President of Sterling Bank, Walter Hannen, was served with a Commission subpoena requesting documents related to any of the defendants in the case as well as the computer back-up tape obtained from Jack Vernon Abernethy. *See Attachment 1.*
3. On November 1, 2004, the Commission hired a process server to perform a “stakeout” of the Woltz address 255 Woltz Lane Advance, NC 27006 in an attempt to obtain service of Commission subpoenas for testimony and documents.
4. On November 1, 2004, Martin Russo wrote me stating that he represents Walter Hannen in connection with his subpoena and that Mr. Hannen had no responsive documents. *See Attachment 2.*

EXHIBIT A

5. On November 2, 2004, I wrote Russo stating that I found it incredible that he had no responsive documents as he had submitted a claim in the lawsuit as President of Sterling Bank, Ltd. I stated that if that were the case, I would accept an affidavit sworn under oath or declaration declared under penalty of perjury and submitted a sample of what I would accept. I also stated that I had yet to obtain the Vernon Abernethy back-up tape. *See Attachment 3.*

6. On November 4, Howell Woltz was served with the Commission's subpoena for documents and testimony. The investigation report noted that Howell Woltz came to the door with a small female, who ran behind the refrigerator when she observed the process server. Howell told the process server he "didn't live here at the farm" and refused to take the process papers, so the process server dropped them on his feet. *See Attachment 4.*

7. On November 11, 2004, Russo wrote that Hannen had no documents because the Commission subpoenaed him in "his personal capacity." He stated that he would forward "the declaration of compliance to Mr. Hannen and get it to [me] shortly." Russo also stated that as to the back-up tapes, he had forwarded them to a computer company to help identify the tape we seek. He wrote in a separate letter that he was representing Howell Woltz in connection with our subpoenas. He stated that Woltz had no responsive documents in his possession, custody or control. *See Attachment 5.*

8. The due diligence report filed by the process server hired by the Commission shows that the process server tried on four different dates to serve Vernice Woltz. On the last date, November 14, 2004, it appeared that Vernice Woltz walked away when she saw the process server approach. Howell Woltz told the process server he did not know where his wife was and would not accept any documents for her. The process server's affidavit of attempted service notes "[s]everal members of the household were observed entering the residence as investigator arrived. This was a clear case of avoiding service."
9. On November 15, 2004, I wrote Russo setting the date for Howell Woltz's deposition to December 10, 2004. I also stated that I still awaited the back-up tape and Mr. Hannon's declaration that he had no documents. *See Attachment 6.*
10. On December 16, 2004, I wrote Russo again and asked for documents Howell Woltz had referred to in his deposition, including all correspondence and agreements with David or Jamie Loeser, CMP Fund or DRL Twenty Plus Fund and any emails to or from J. Vernon Abernethy. I also noted I was still awaiting Hannon's affidavit that he has no documents responsive to our subpoena and asked that it or the documents requested be produced by the end of the year or I would be forced to take other action. I also stated that I was still awaiting the Vernon Abernethy back-up tape and that that request had been outstanding since August 20th. *See Attachment 7.*
11. On January 18, 2005, having received no response to my December letter, I reiterated my requests for a) certain documents requested during Howell Woltz's deposition. b) Vernon

Abernethy's back-up tape and c) Hannen's declaration that he had no documents responsive to the Commission subpoena. As to the latter, I stated that he should produce the documents or Hannen's sworn statement by Friday January 21, 2005 or I would prepare a motion to compel compliance in the Western District of North Carolina. *See Attachment 8.*

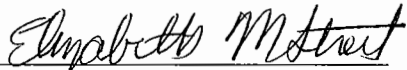
12. On January 24, 2005, Russo wrote to state that Woltz did not have personal custody, possession or control of any of the documents I sought during the course of his deposition. He stated that Woltz did not have crashed hard drives (Woltz had testified that his hard drive crashed five times since May and that was why he had no email records relative to the case.). With the letter he sent certain redacted emails without explaining why they were redacted or whose emails they were. *See Attachment 9.*
13. On January 26, 2005, Russo sent me a Declaration Under Penalty of Perjury signed by Walter Hannen declaring he had no responsive documents in his personal possession, custody or control "other than those previously produced." *See Attachment 10.*
14. In late February 2005, I requested the assistance of the United States Immigration and Customs to serve Vernice Woltz with a subpoena for documents and testimony.
15. On March 5, 2005, Vernice was served with a subpoena calling for production of documents and testimony by Senior Special Agent Catherine Y. Burns. *See Attachment 11. See Attachment 11.*
16. On March 14, 2005, I received a letter from Martin Russo stating that the subpoena served on Vernice Woltz was defective because it was issued by the Middle District of

North Carolina but called for her deposition and production of documents in the Western District of North Carolina. *See* Attachment 12.

17. On March 15, 2005, I sent a letter to Mr. Russo in which I offered to take the deposition in the Middle District of North Carolina and told him to produce the documents called for by the subpoena at the United States Attorney's office in Greensboro, North Carolina. *See* Attachment 13.

18. To date, Ms. Woltz has not appeared for her deposition or produced any documents pursuant to the subpoena.

25 I declare under penalty of perjury that the foregoing is true and correct. Executed this day of March 2005.


Elizabeth M. Streit
Lead Trial Attorney

ATTACHMENT 1

Issued by the
United States District Court
 FOR THE
 WESTERN DISTRICT OF NORTH CAROLINA

COMMODITY FUTURES
 TRADING COMMISSION
 Plaintiff,

VS

EQUITY FINANCIAL GROUP, LLC
 VINCENT J. FIRTH, ROBERT W. SHIMER,
 J. VERNON ABERNETHY, COYT E. MURRAY,
 TECH TRADERS, INC., TECH TRADERS, LTD.,
 MAGNUM INVESTMENTS, and
 MAGNUM CAPITAL INVESTMENTS, LTD

JUDGE ROBERT B. KUGLER

CASE NUMBER:

1:04CV-01512-RBK-AMD

(Currently pending in the District of New Jersey)

Defendants.

TO: Mr. Walter Hannen
 4762 Trails End Road
 Denver, NC 28037

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM:
	DATE AND TIME:

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): SEE "SCHEDULE A" ATTACHED HERETO

PLACE U.S. Attorney's Office - WDNC Suite 1700, Carillon Building 227 West Trade Street Charlotte, NC 28202	DATE AND TIME November 1, 2004, 10:00 a.m.
--	---

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)	Date: 10/14/04
Attorney for Plaintiff Issuing Officer's Name, Address, and Phone Number Elizabeth Strelt, Lead Trial Attorney Commodity Futures Trading Commission 525 West Monroe Street, Suite 1100 Chicago, IL 60661 (312) 596-0537	

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

SERVED: Walter Hannen DATE: 10-26-04 PLACE: 4762 Trails End Road, Denver, NC 28037

WALTER HANNEN 5:25 AM Grey hair - w/m - 50³ - 5'11" - 175 lbs.

SERVED ON (PRINT NAME): WALTER HANNEN MANNER OF SERVICE: Via Process Server

SERVED BY (PRINT NAME): Monty Clark TITLE: Private Investigator

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 10-26-04
DATE

Monty Clark
SIGNATURE OF SERVER

PO Box 668971
Charlotte, NC 28266-8971
704-3980025

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents 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 demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Attachment A to Subpoena
Issued to Walter Hannen on October 14, 2004

Definitions and Instructions

A. The term "document" shall include, but not be limited to, any memorialization, whether in writing, in any mechanical or tape recording, or in a computer memory.

Documents to Be Produced

1. The computer back-up tape obtained from Jack Vernon Abernethy
2. For the listed individuals and entities:

Abernethy, Jack Vernon
Tech Traders, Inc.
Tech Traders, Ltd.
Magnum Investments
Magnum Capital Investments
Murray, Coyt E.
Murray, Coyt A.
Shimer, Robert
Firth, Vincent
Teague, Elaine

Any and all documents referencing, relating to or involving any of the names listed above including, but not limited to, correspondence, faxes, email, memoranda, invoices, statements, agreements, contracts, promotional materials, notes, and records evidencing transfers of money. Documents existing in electronic format may be produced in hard copy.

ATTACHMENT 2

Kurzman Eisenberg Corbin Lever & Goodman, LLP
Attorneys at Law
One North Broadway, 10th Floor, White Plains, NY 10601

Tel: (914) 285-9800
Fax: (914) 285-9855

FACSIMILE TRANSMITTAL SHEET

Attention: This facsimile contains **PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the Addresscc(s) named below. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone at (914) 285-9800 and return the original facsimile to us at the address above via the U.S. Postal Service. We will reimburse you for all expenses incurred. Thank you.

To: Elizabeth Streit, Esq.

Fax No.: (312) 596-0714

From: Martin P. Russo, Esq.

Date: November 1, 2004

Number of Pages INCLUDING THIS PAGE:

[If you do not receive all pages, call (914) 285-9800]

Original Will Not Follow.

Original Will Follow:

by mail

by hand

by overnight courier

ATTACHMENT 2

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

ATTORNEYS AT LAW

675 THIRD AVENUE 18TH FLOOR
NEW YORK, NY 10017
(212) 661-2150ONE NORTH BROADWAY
WHITE PLAINS, NEW YORK 10601TEL: (914) 285-9800
FAX: (914) 285-9855MARTIN P. RUSSO, P.C.
Partner
mrusso@kelaw.comOTHER LOCATIONS:
FORT LAUDERDALE, FLORIDA
LONDON, ENGLAND
GENEVA, SWITZERLAND

November 1, 2004

By Facsimile and U.S. MailElizabeth Streit, Esq.
Commodity Futures Trading Commission
525 West Monroe Street, Suite 110
Chicago IL 60661Re: CFTC v. Equity Financial Group, LLC et al., Civil Action No. 04-1512 (RBK)

Dear Ms. Streit:

We represent Mr. Walter Hannen in connection with the subpoena dated October 14, 2004 which was not served upon him until October 26, 2004.

Mr. Hannen objects to the subpoena on the ground that it did not provide a reasonable time to respond. Without waiving that objection, we understand that Mr. Hannen already has informed your office that he has no responsive documents. Mr. Hannen has informed us that he called Ms. McCormack on the day he received the subpoena and left her a message which advised her that (1) he had no responsive documents and (2) the "affidavit form" (referenced in her letter) to certify that production is complete was not attached to the subpoena. We are further informed that Ms. McCormack later returned his telephone call (despite the fact that Mr. Hannen is represented by counsel) and told him that she would send the affidavit to him by facsimile after speaking with you. To date, Mr. Hannen has not received the document.

In any event, Mr. Hannen is amenable to executing an affidavit certifying that he does not have possession, custody or control of the documents the subpoena describes. To that end, please forward to my office an affidavit in a form acceptable to the CFTC. If you prefer, we can draft one. Please advise me of your intentions.

Sincerely,



Martin P. Russo

cc: Walter Hannen

ATTACHMENT 3



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

November 2, 2004

Via Facsimile: (914) 285-9855

Followed by U.S. Mail

Mr. Martin P. Russo

Kurzman, Eisenberg, Corbin, Lever & Goodman, LLP

One North Broadway

White Plains, NY 10601

**Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)
THIRD Subpoena Duces Tecum to Walter Hannen**

Dear Mr. Russo:

I am in receipt of your letter dated November 1, 2004. Ms. McCormack is not an attorney. She merely returned Mr. Hannen's phone call to respond to his request for the "affidavit form" which the process server apparently forgot to serve with the subpoena. She then fax'ed the form to the number he gave her. The fax went through to the number he gave he (*see attached facsimile form showing fax was received*), so I do not know why he has not received the document. Ms. McCormack had no substantive conversation with Mr. Hannen.

I find it incredible that Mr. Hannen, who submitted a claim in this lawsuit as President of Sterling Bank, Ltd. has no documents responsive to the subpoena under his control. How was he able to fill out the claim form under penalty of perjury? In any event, if Mr. Hannen is claiming that he has no records responsive to the subpoena, the form Ms. McCormack sent him is not applicable. We will accept an affidavit sworn under oath or declaration declared under penalty of perjury pursuant to 28 U.S.C. §1746 in a form such as is attached.

I have yet to obtain from any of your clients Vernon Abernethy's backup tape. I have been requesting it for over two months now. Who has possession of it and when will I receive it?

Sincerely,

Elizabeth M. Streit
Lead Trial Attorney

cc: Scott R. Williamson

ATTACHMENT 3

**Declaration under penalty of perjury of
pursuant to 28 U.S.C. § 1746**

I, Walter Hannen, hereby declare as follows:

1. I am the President of Sterling Bank, Ltd., an entity that has submitted a claim in the receivership in the case *CFTC v. Equity Financial Group, LLC, Case No. 04-CV-1512 (D.N.J.)*.
2. On October 26, 2004, I was served with a subpoena in the above referenced matter which commanded production of a) the computer back-up tape obtained from Jack Vernon Abernethy and b) for individuals and entities: Abernethy, Jack Vernon, Tech Traders, Inc., Tech Traders, Ltd, Magnum Investments, Magnum Capital Investments, Murray, Coyt E., Murray, Coyt A., Shimer, Robert, Firth, Vincent and Teague, Elaine, any and all documents referencing, relating to or involving any of the names listed above including, but not limited to, correspondence, faxes, email, memoranda, invoices, statements, agreements, contracts, promotional materials, notes, and records evidencing transfers of money.
3. I have no documents responsive to the subpoena in my possession, custody or under my control.

I declare under penalty of perjury that the foregoing is true and correct. Executed this _____ day of November 2004.

Walter Hannen

COMMODITY FUTURES

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	JOB#	STATUS
18	10/26 18:01	917044896586	EC--S	00'47"	002	250	OK



U.S. COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street
Suite 1100
Chicago, Illinois 60661
Telephone: (312) 596-0700

Facsimile

To:	Mr. Walt Hannen	From:	Joy McCormack, Investigator
Fax:	704-489-6586	Phone:	(312) 596-0527
Phone:		Pages:	2 (Including Cover)
Re:		Date:	October 26, 2004

Urgent For Review Please Comment Please Reply

Comments: Per our discussion, attached you will find a copy of the affidavit for business records form.

ATTACHMENT 4

**CONFIDENTIAL
FINAL REPORT**

**Harold woltz
Vernice woltz**

14 NOVEMBER 2004

**A-1 SERVICES
222 Holly Lane
Mocksville, NC 27028**

336.751.4448 (O)

336.751.0638 (F)

ATTACHMENT 4

OFTC 012 01 0201

A-1 SERVICES
Investigations - Background - Civil Process
PO Box 715, Mocksville, NC 27028
E-mail: mpsi@yadtel.net website: www.a1servicesnc.com

Marti Miller
PI Lic # 2870

Telephone: 336-751-4448
Facsimile: 336-751-0638
Cell Phone: 336-407-0404

FINAL REPORT

**HAROLD WOLTZ
VIERNICE WOLTZ**

14 NOVEMBER 2004

INDEX

- 1).....**DATA SHEET**
- 2).....**INVESTIGATIVE REPORT**
- 3).....**AFFIDAVIT HAROLD WOLTZ**
- 4).....**DUE DILLIGENCE AFFIDAVIT VERNICE WOLTZ**
- 5).....**COMPREHENSIVE REPORT: HAROLD WOLTZ**
- 6).....**INVOICE**

A-1 Services

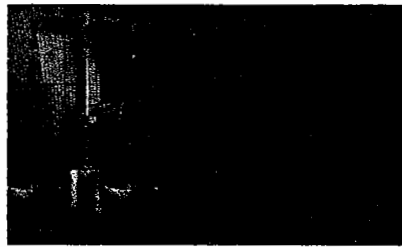
222 Holly Lane

Mocksville NC 27028

Phone: (336) 751-4448

Fax: (336) 751-0638

Email: mpsi@yadtel.net



Invoice

Invoice Date: 11/15/2004
Invoice Number: ILUSC1124
PO Number:
Due Date: 11/15/2004

US Commodity Fut.Trad.Commission
525 W Monroe St

Chicago IL 60661

Item	Description	Qty/Hours	Price/Rate	Total
Comprehensive Report	11/3/2004 - HOWELL WOLTZ	1	25	25.00
Investigation	11/4/2004 - DL	2.5	65	162.50
miles	11/4/2004 - DL	25	0.45	11.25
Investigation	11/5/2004 - DL	7.5	65	487.50
miles	11/5/2004 - DL	90	0.45	40.50
Investigation	11/8/2004 - DL	4.5	65	292.50
miles	11/8/2004 - DL	25	0.45	11.25
Investigation	11/14/2004 - MM - DISCOUNT RATE OF 55.00	1	55	55.00
miles	11/14/2004 - MM	25	0.45	11.25

SubTotal: 1,096.75
Tax: 0.00

Total: 1,096.75

Memo:

CFTC 012 01 0003

Issued by the
United States District Court
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA

**COMMODITY FUTURES
TRADING COMMISSION**
Plaintiff,

VS

**EQUITY FINANCIAL GROUP, LLC
VINCENT J. FIRTH, ROBERT W. SHIMER,
J. VERNON ABERNETHY, COYT E. MURRAY,
TECH TRADERS, INC., TECH TRADERS, LTD.,
MAGNUM INVESTMENTS, and
MAGNUM CAPITAL INVESTMENTS, LTD**

JUDGE ROBERT B. KUGLER

CASE NUMBER:

1:04CV-01512-RBK-AMD

(Currently pending in the District of New Jersey)

Defendants.

TO: Mr. Howell Woltz

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM:
	DATE AND TIME:

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION United States Attorney's Office Western District of North Carolina Suite 1700, Carillon Building 227 West Trade Street Charlotte, NC 28202	DATE AND TIME November 19, 2004 at 9:00 a.m.
--	--

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **SEE "SCHEDULE A" ATTACHED HERETO**

PLACE U.S. Attorney's Office - WDNC Suite 1700, Carillon Building 227 West Trade Street Charlotte, NC 28202	DATE AND TIME November 1, 2004 at 10:00 a.m.
--	--

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Date: 10/14/04

Attorney for Plaintiff

Issuing Officer's Name, Address, and Phone Number

Elizabeth Streit, Lead Trial Attorney
Commodity Futures Trading Commission
525 West Monroe Street, Suite 1100
Chicago, IL 60661
(312) 596-0537

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

SERVED: **Howell Woltz**

DATE: PLACE:

11-4-2004
2:13 pm

SERVED ON (PRINT NAME): **HOWELL WOLTZ**

MANNER OF SERVICE: **Process Server**

SERVED BY (PRINT NAME):

TITLE:

DARRELL C. LATHAM, JR

PROCESS SERVER

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

11-4-2004
DATE


SIGNATURE OF SERVER

Darrell C Latham Jr.

**DUE DILLIGENCE
STATE OF NORTH CAROLINA**

**COMMODITY FUTURES)
TRADING COMMISSION)
Plaintiff)
Vs.)
EQUITY FINANCIAL)
GROUP,LLC ,TECH TRADERS,)
INC., VINCENT JFIRTH and)
ROBERT W. SHIMER)
Defendants)**

**Judge Robert B. Kugler
CASE NUMBER:
1:04CV-01512-RBK-AMD**

(Currently pending the District of New Jersey)

PERSONALLY APPERARED BEFORE ME MARTI MILLER, who, being duly sworn, says that she is a citizen of the United States, over the age of twenty-one, and not a party to the action and that she did NOT serve the **SUBPOENA DUCES TECUM** to VERNICE WOLTZ located at. ...

AFTER DUE DILLIGENCE (SEE ATTACHED REPORT)

11-14-2004 12:17 PM – DOCUMENTS WERE PLACED BETWEEN THE FRONT DOOR AND THE SCREENED DOOR. IT WOULD NOT BE POSSIBLE TO OPEN THE SCREEN DOOR WITHOUT THE DOCUMENTS FALLING TO THE OCCUPANT’S FEET WHEN THE DOOR WAS OPENED.

SEVERAL MEMEBERS OF THE HOUSEHOLD WERE OBSERVED ENTERING THE RESIDENCE AS INVESTIGATOR ARRIVED. THIS WAS A CLEAR CASE OF AVOIDING SERVICE.

Race: Indian Sex: female Ht: 5’5”-5’9” WT: 130 AGE: 40-45 Hair: black

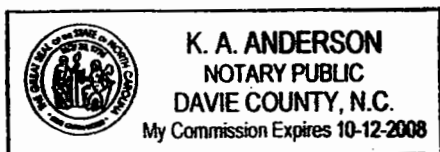
To the best of my knowledge and belief, said person was not engaged in the US Military at the time of service.


MARTI MILLER, Davie, NC

SWORN TO BEFOR ME this 15TH
day of **NOVEMBER, 2004**

Notary Public K.A. Anderson

A-1 Services
222 Holly Lane
Mocksville, NC 27028



A-1 SERVICES

Investigations - Background - Civil Process

PO Box 715, Mocksville, NC 27028

E-mail: mpsi@yadtel.net website: www.a1servicesnc.com

Marti Miller
PI Lic # 2870

Telephone: 336-751-4448
Facsimile: 336-751-0638

DATA

US COMMODITY FUTUURES TRADING COMMISSION
525 WEST MONROE STREET
SUITE 100
CHICAGO, ILLINOIS 60661
JOY MCCORMACK – INVESTIGATOR

SUBJECT # 1

HAROLD WOLTZ

SUBJECT # 2

VERNICE WOLTZ

VEHICLES

1. Jeep Grand Cherokee, plate number
2. Ford Explorer, plate number

CFTC 012 01 0007

CFTC 012 01 0007

INVESTIGATION

Thursday, November 4, 2004

- 1:00 PM Investigator Darrell Latham initiated travel to _____ in an attempt to locate Mr. and/or Mrs. Woltz.
- 1:30 PM Investigator Latham arrived at _____ and observed the following vehicles present:
1. **Light-colored Audi**
 2. **Red SUV**
 3. **Light-colored SUV**

Writer's Note: It should be noted that surveillance was initiated nearby to await any subject activity.

- 2:13 PM Investigator Latham approached the door to Subjects' residence. A white male, identifying himself as Howell Woltz, came to the door as a small female walked toward the door. When the female observed Investigator Latham, she turned and ran out of sight behind the refrigerator; by a wall in the kitchen area of the residence. Mr. Woltz would not say if Mrs. Woltz was there, but kept repeating that he "did not live here at the farm" and refused to take the envelope from Investigator Latham that contained the process papers. As Mr. Woltz proceeded to close the front door, Investigator Latham extended the envelope through the door opening, letting it fall inside of Subject's home and landing on Mr. Woltz's feet. Investigator Latham then initiated a stationary surveillance nearby the property to await any activity.
- 3:15 PM Surveillance was terminated as there was no activity observed.
- 3:30 PM Investigator Latham returned to A-1 Services.

Friday, November 5, 2004

- 5:30 AM Investigator Darrell Latham departed A-1 Services.
- 5:48 AM Investigator arrived in the compound area and conducted a drive-by surveillance of _____, and observed the residence to be dark. No vehicles could be observed due to inclement weather; therefore, stationary surveillance was initiated nearby to await any activity.
- 8:08 AM Howell Woltz, departed in the light-colored Audi, plate number _____, with a dark-skinned child. They traveled to Shady Grove Elementary School in

, where the child exited the vehicle. Mr. Woltz then traveled to Lowe's Foods located at Highway 801 and I-40, and entered the store.

8:20 AM Investigator Latham attempted a serve process for Mrs. Woltz at , as there were still two vehicles present:

3. Jeep Grand Cherokee, plate number
4. Ford Explorer, plate number

Writer's Note: It should be noted that no one would come to the door. It should also be noted that muddy ladies and men shoes were observed at the door and that no sounds were emitting from the residence. Also, due to the inclement weather it was not possible to observe any lighting inside the residence.

8:40 AM Investigator Latham concluded that no one would come to the door; therefore, stationary surveillance was initiated nearby to await any activity.

9:00 AM Investigator Latham traveled to . This address was given as an address associated with the Woltz family. An unidentified white male answered the door and spoke briefly with Investigator. It was learned that no one with the last name of Woltz was associated with this residence. He further stated he purchased the residence in 1999 from a family with the last name of Brinks.

9:45 AM Investigator Latham traveled to Carolina (this address was also associated with the Woltz family, as a business address) this address was a small home. A red Corvette, Indiana Hall of Fame plate number , was present, the porch light was on, a dog was heard inside of the residence, and newspapers were stacked up at both doors; no one answered the knock. Due to the newspapers, it appeared the owners of the residence had been absent for several days.

Writer's Note: It should be noted that Investigator Latham spoke to a male from across the street who stated that he had never seen a woman at – only a couple of males. He further stated he was new to the area and did not know the Woltz family.

10:10 AM Investigator Latham returned to and observed the light-colored Audi present. Surveillance was initiated nearby to await any activity.

Writer's Note: It should be noted that USPS sources revealed that Post Office Box was still in use; however, the source would not reveal any details as to the current owner.

- 11:00 AM Investigator Latham spoke with and learned from additional United States Postal Services sources in , that Post Office Box is registered to Howell Woltz who currently resides at on a permanent basis. It was further learned that Mrs. Woltz is a black female who was born in the Bahamas, and currently lives with Mr. Woltz at . Lastly, it was learned that Mrs. Woltz comes into the Post Office in , on a regular basis after 9:00 AM and before 12:00 noon, it was stated that she is always dressed well, lots of jewelry and was very attractive.
- 12:30 PM Investigator terminated surveillance as there was no activity observed.
- 12:50 PM Investigator Latham returned to A-1 Services.

Monday, November 8, 2004

- 6:30 AM Investigator Latham departed A-1 services in route to
- 6:55 AM Investigator Latham conducted a drive-by surveillance of Subjects' residence and observed all known vehicles present. Surveillance was set up; nearby to await any activity.
- 7:55 AM Howell Woltz, departed in his Jeep Grand Cherokee, with the same dark-skinned male child; observed with Mr. Woltz on 4 November 2004. They traveled to Shady Grove Elementary School where the child exited the vehicle. Mr. Woltz then returned to and entered the residence.
- 8:30 AM Investigator Latham contacted and updated Investigator Miller. Surveillance efforts were to continue until approximately 10:30 AM If Mrs. Woltz had work obligations or appointments, it was believable she would depart her residence by that hour.
- 10:45 AM Neither Mrs. Woltz, nor Mr. Woltz was observed; therefore, surveillance was terminated.
- 11:00 AM Investigator Latham returned to A-1 Services.

10 November 2004

Investigator Miller had a telephone conversation with Investigator Joy McCormack of the US Commodity Futures Trading Commission.

It was decided Investigator Miller would attempt one last time to serve Mrs. Woltz. Investigator would attempt to serve her personally at the door of her residence on Sunday 14 November 2004. As we know from the US Post Office;

Subject does in-fact reside at the address provided; Investigator Miller will post the documents on her door.

14 November 2004

- 11:45 AM Investigator Miller departed A-1 Services and traveled to _____ in an attempt to serve process on Mrs. Vernice Woltz.
- 12:06 PM Investigator arrived at the compound. (Investigator observed an Unidentified Indian young male approximately 16 or 17 years of age driving out of the compound in the gray SUV while she was entering the area).
- 12:07 PM Investigator arrived at the residence. The red Jeep was parked in the driveway. Mr. Howell Woltz; wearing a green top shirt with a white tee shirt under it, blue jeans and boots was sitting on the porch. An Indian woman with her hair pulled back; wearing a red pull over shirt and blue jeans was standing next to Mr. Woltz. An unidentified Indian woman appeared to be in her late 40's or early 50's; wearing a white sweater with small embroidered flowers on the top of the sweater and jeans; stood next to the woman in the red shirt.
- 12:08 PM As Investigator pulled into the driveway, the woman in the red shirt left the porch and walked into the house. (Investigator was not able to make a positive ID due to distance; however it was possible; this person was Subject Vernice Woltz).
- 12:14 PM Investigator met with a large lab adore dog, (appeased him with dog biscuits) and entered the porch area. Investigator spoke with Mr. Howell Woltz. He stated he did not know where his wife was, and would not except any documents for her. He further stated he wanted nothing to do with those papers. Investigator stated she was able to leave the documents with him, he stated he would not take them.
- 12:15 PM Mr. Woltz put on work gloves, grabbed a digging tool and started to walk away. Investigator followed him on foot. Investigator stated he would take the documents or she would just drop them at his feet. He continued to walk stating he would not accept them. Investigator stated he did not have to worry about these documents; he was ONLY a witness and asked him why he and his wife were being so difficult. He answered only with: he did not have to take anything.
- 12:16 PM Investigator dripped the documents at his feet, he continued to walk. The unidentified Indian woman still standing on the porch yelled out to Investigator, that the dog will tear those papers up. Investigator picked up the documents and took them back to the porch; as Investigator was walking back to the porch the woman ran back into the residence.

12:17 PM Investigator Miller placed the documents between the screened porch door and the door that led into the kitchen area of the home. In order to exit the residence, this door would need to be opened and the documents would fall at their feet.

12:37 PM Investigator Miller returned to A-1 Services.

Writer's Note: As it is known by the United States Post Office that Subject Vernice Woltz, does in-fact reside at the address provided, and NO OTHER residence is known, her children reside at the same address along with her husband, the before mentioned documents were served at the correct residence. Documents were served to Mr. Woltz at his feet, then again at the door.

ATTACHMENTS:

Affidavit of service for Mr. Howell Woltz

Affidavit of attempt of service for Mrs. Vernice Woltz

COMPREHENSIVE

REPORT

REDACTED

Important: The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified.

Comprehensive Report

Comprehensive Report

Date: 11/03/04

Report processed by:

A-1 Services
222 Holly Lane
Mocksville, NC 27028
(336) 751-4448 Main Phone
(336) 751-0638 Fax

Report Legend:

- S** - Shared Address
- D** - Deceased
- ✓** - Probable Current Address

Subject Information

Name: HOWELL WAY WOLTZ
Date of Birth:
Age: 50
SSN: ; issued in North
Carolina between 01/01/1963 and
12/31/1964

Others Associated with SSN:
(DOES NOT usually indicate any type of
fraud or deception)
REMIGIA MENDOZA
Age:

Address Summary



(Nov 1996 - Sep 2004)

(Jan 1991 - Aug 2004)

(Jun 2004)

(Feb 1991 - Sep 2003)

(Apr 1985 - Sep 2003)

(Jul 2001 - Sep 2002)

(Apr 2000 - Mar 2002)

(Nov 1998 - Jan 1999)

Phone at address:

(Jul 1989 - Jan 1999)

Phone at address:

(Jul 1996)

(Feb 1991)

(Oct 1988 - Dec 1990)

AKAs (Names Associated with Subject)

HOWELL W WALTZ
SSN: /

Indicators

Bankruptcy: No
Property: Yes
Corporate Affiliations: Yes

(Dec 1990)

(Aug 1990 - Dec 1990)

(Nov 1990)

(Dec 1989)

(Jan 1988 - Feb 1988)

(Jan 1983)

(Jan 1983)

(Jan 1983)

Others Associated With Subjects SSN:

(DOES NOT usually indicate any type of fraud or deception)

REMIGIA MENDOZA Age:

242-76-xxxx issued in North Carolina between 01/01/1963 and 12/31/1964

Comprehensive Report Summary:

Bankruptcies:

None Found

Tax Liens and Judgments:

None Found

UCC Filings:

1 Found

Corporate Affiliations:

7 Found

Driver's License:

None Found

Address(es) Found:

1 Verified and 19 Non-Verified Found

Possible Properties Owned:

None Found

Motor Vehicles Registered:

2 Found

Merchant Vessels:

None Found

FAA Certifications:

None Found

FAA Aircrafts:

None Found

Possible Criminal Records:

4 Found

Sexual Offenses:

None Found

Accidents:

None Found

Professional Licenses:

None Found

Voter Registration:

4 Found

Hunting/Fishing Permit:

None Found

Concealed Weapons Permit:

None Found

Possible Associates:

3 Found

Possible Relatives:

1st Degree - 4 Found

CFTC 012 01 2014

Bankruptcies:

[None Found]

Tax Liens and Judgments:

[None Found]

UCC Filings:

Debtor Name: HOWELL WAY WOLTZ
Debtor Address: PO BOX 2216, ADVANCE NC 27006-2216
Secured Name: KUBOTA CREDIT CORPORATION USA
Secured Address: 1025 NORTHBROOK PKWY, SUWANEE GA 30024-2931
Original Date: May 14, 2004
Date Filed: May 14, 2004
Filing State: NC
Document Number: 20040048947K
Legal Type: UCC FINANCE STATEMENT FILED
Collateral List: EQUIPMENT
Number of Filings: 1
Document Count: 1
Number of Debtor Parties: 1
Number of Secured Parties: 1

Corporate Affiliations:

Corporation Name: 807 ASSOCIATES, INC.
Corporation Status: DISSOLVE IN PROGRESS
Charter Number: 0046289
State of Origin: NC
Filing Date:
Affiliation: REGISTERED AGENT, HOWELL W WOLTZ
Address: 200 SHERWOOD FOREST RD, WINSTON SALEM NC 27104-1803
Address Type: MAILING ADDRESS

Corporation Name: H. W. LIQUIDATING COMPANY
Corporation Status: CONSOLIDATION
Charter Number: 0073778
State of Origin: NC
Filing Date:
Affiliation: REGISTERED AGENT, HOWELL W WOLTZ
Address: 200 SHERWOOD FOREST RD, WINSTON SALEM NC 27104-1803
Address Type: MAILING ADDRESS

Corporation Name: THE COTTON CHEMICAL COMPANY
Corporation Status: DISSOLVE IN PROGRESS
Charter Number: 0035153
State of Origin: NC
Filing Date:
Affiliation: REGISTERED AGENT, HOWELL WAY WOLTZ
Address: 1116 EDGEBROOK DR, WINSTON SALEM NC 27106-3308
Address Type: MAILING ADDRESS

Corporation Name: THE GROUSE SHIRT COMPANY
Corporation Status: DISSOLVE IN PROGRESS
Charter Number: 0063096
State of Origin: NC
Filing Date:
Affiliation: REGISTERED AGENT, HOWELL WAY WOLTZ
Address: 1116 EDGEBROOK DR, WINSTON SALEM NC 27106-3308
Address Type: MAILING ADDRESS

Corporation Name: ARCHER MANUFACTURING, INC.
Corporation Status: INACTIVE
Charter Number: P29424
State of Origin: FL
Filing Date: 05/21/1990
Affiliation: PRESIDENT, HOWELL W WOLTZ
Address: 9375 NW 101ST ST, MIAMI FL 33178-1307
Address Type: MAILING ADDRESS

Corporation Name: YADKIN POINT LTD., INC.
Corporation Status: INACTIVE
Charter Number: L27839
State of Origin: FL
Filing Date: 11/06/1989
Affiliation: REGISTERED AGENT, HOWELL W WOLTZ
Address: 9375 NW 101ST ST, MIAMI FL 33178-1307
Address Type: MAILING ADDRESS

CFTC 012 01 0015

State of Origin: FL
Filing Date: 11/06/1989
Affiliation: REGISTERED AGENT, HOWELL W WOLTZ
Address: 9375 NW 101ST ST, MIAMI FL 33178-1307
Address Type: MAILING ADDRESS

Corporation Name: ADVANCE HOLDINGS, INC.
Corporation Status: DISSOLVE IN PROGRESS
Charter Number: 0204332
State of Origin: NC
Filing Date:
Affiliation: REGISTERED AGENT, HOWELL W WOLTZ
Address: PO BOX 350 BOX 350, ADVANCE NC 27006-0350
Address Type: MAILING ADDRESS

Driver's License Information:

[None Found]

Address Summary:

Active Address(es):

HOWELL WAY WOLTZ - (Nov 1996 - Sep 2004)

Property Ownership Information for this Address

Property:

Parcel Number - I9-000-00-006
Book - 000157
Page - 000481
Name Owner 1 - WOLTZ HOWELL WAY
Name Owner 2 - WOLTZ VERNICE CHAITAN
Address -
Owner's Address -
Land Usage - RURAL HOMESITE
Total Value - \$524,490
Land Value - \$422,920
Improvement Value - \$101,570
Land Size - 4,004,906
Year Built - 1985
Sale Price - \$0
Legal Description - 90.54 AC OFF BURTON RD

Previous And Non-Verified Address(es):

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

Current phones listed at this address:

BUMGARNER CARL B

Property Ownership Information for this Address

Property:

OTTC 012 01 0016

Parcel Number - 3821 -108
Book - 001998
Page - 001471
Lot Number - 108
Name Owner 1 - BUMGARNER CARL B
Name Owner 2 - BUMGARNER SUSAN S
Address -
Owner's Address -
Land Usage - SFR
Total Value - \$477,534
Land Value - \$135,850
Improvement Value - \$341,684
Land Size - 35,200
Year Built - 1964
Sale Price - \$458,000
Name of Seller - BRINK LESTER L III & SANDRA J

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

Current phones listed at this address:
YADKIN VALLEY HOUNDS INC

HOWELL WAY WOLTZ -

Current phones listed at this address:
AMERICA QUALITY OF FLORIDA
PLUS AUTO PARTS LLC

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

Property Ownership Information for this Address
Property:

Parcel Number - 32-2022-004-0230
Book - 021809
Page - 003233
Name Owner 1 - ALLEN, JAY & JANE
Address -
Owner's Address -
Land Usage - SINGLE FAMILY RESIDENCE
Sale Date - 10/28/2003
Sale Price - \$194,000
Name of Seller - PEREZ MARIA

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

HOWELL WAY WOLTZ -

HOWELL W WALTZ -

Property Ownership Information for this Address
Property:

Parcel Number - 3608 -027
Book - 002315
Page - 002271
Lot Number - 027
Name Owner 1 - PEARCE CHRISTOPHER Y
Address -
Owner's Address -
Land Usage - SFR
Total Value - \$120,664
Land Value - \$20,000
Improvement Value - \$100,664

Land Size - 24,079
Year Built - 1974
Sale Date - 01/21/2003
Sale Price - \$131,500
Name of Seller - PEARCE GAFFORD Y

Possible Properties Owned by Subject:

[None Found]

Motor Vehicles Registered To Subject:

Vehicle:

Description: 1995 Jeep Grand Cherokee Laredo - 4 Dr Wagon Sport Utility
License Plate:
VIN:
State of Origin: North Carolina
Title Number:
Title Date: 12/10/1996
Engine Size: 242
Number of Cylinders: 6
Body: 4 Dr Wagon Sport Utility
Record Type: Current
Expiration Date: 04/30/2005
Registrant(s)
Name: WOLTZ HOWELL WAY
Address:

Lien Holder

Holder: NOT ON FILE
Lien Date:
Address:

Vehicle:

Description: 2001 Audi A6 2.7T Quattro - Sedan 4 Door
License Plate:
VIN:
State of Origin: North Carolina
Title Number:
Title Date: 09/18/2003
Engine Size: 163
Number of Cylinders: 6
Body: Sedan 4 Door
Record Type: Historical
Expiration Date: 09/30/2004
Registrant(s)
Name: WOLTZ HOWELL WAY
Address:

Lien Holder

Holder: NOT ON FILE
Lien Date:
Address:

Merchant Vessels:

[None Found]

FAA Certifications:

[None Found]

FAA Aircrafts:

[None Found]

Possible Criminal Records:

North Carolina Court:

Name: HOWELL WAY WOLTZ
SSN: ~~2~~
Address:
State of Origin: North Carolina
DOB: 11/08/1953
Race: White
Sex: Male

Offenses:
CFTG 012 01 0018

Offense #1

Case Number: 1990CR 000104
Component: 01
Arrest Statute: 20-183.8(A)(1)
Arrest Level/Degree: Infraction
Court Plea: Unknown or Unreported
Court Disposition: Unknown or Unreported
Court Disposition Date: 03/08/1990

Offense #2

Case Number: 1990CR 000104
Component: 02
Arrest Statute: 20-111(2)
Arrest Level/Degree: Traffic
Court Plea: Unknown or Unreported
Court Disposition: Unknown or Unreported
Court Disposition Date: 03/08/1990

Court Activity:

[NONE FOUND]

North Carolina Court:

Name: HOWELL WAY WOLTZ
SSN:
Address:
State of Origin: North Carolina
DOB: 11/08/1953
Race: White
Sex: Male

Offenses:

Offense #1

Case Number: 1990CR 000105
Component: 01
Arrest Statute: 20-313(A)
Arrest Level/Degree: Traffic
Court Plea: Unknown or Unreported
Court Disposition: Unknown or Unreported
Court Disposition Date: 03/08/1990

Court Activity:

[NONE FOUND]

North Carolina Court:

Name: HOWELL WAY WOLTZ
SSN:
Address:
State of Origin: North Carolina
DOB: 11/08/1953
Race: White
Sex: Male

Offenses:

Offense #1

Case Number: 2003CR 035644
Component: 01
Arrest Statute: 20-141(J1)
Arrest Level/Degree: Traffic
Court Offense: IMPROPER EQUIP - SPEEDOMETER
Court Plea: RESPONSIBLE TO LESSER
Court Statute: 20-123.2
Court Disposition: RESPONSIBLE
Court Disposition Date: 01/22/2004
Court Level/Degree: Infraction

Court Activity:

[NONE FOUND]

North Carolina Court:

Name: HOWELL WAY WOLTZ
Address:
State of Origin: North Carolina
DOB: 11/08/1953

0510 012 01 0019

Race: White
Sex: Male

Offenses:

Offense #1

Case Number: 1990CR 029847
Component: 01
Arrest Statute: 20-158
Arrest Level/Degree: Infraction
Court Offense: RED LIGHT VIOLATION
Court Plea: RESPONSIBLE
Court Statute: 20-158
Court Disposition: RESPONSIBLE
Court Disposition Date: 04/04/1990
Court Level/Degree: Infraction

Offense #2

Case Number: 1990CR 029847
Component: 02
Arrest Statute: 20-28(A)
Arrest Level/Degree: Traffic
Court Offense: NO OPERATORS LICENSE
Court Plea: GUILTY TO LESSER
Court Statute: 20-7(A)
Court Disposition: GUILTY
Court Disposition Date: 04/04/1990
Court Costs: \$50.00
Court Level/Degree: Traffic

Court Activity:
[NONE FOUND]

Sexual Offenses:

[None Found]

Accidents:

[None Found]

Professional License(s):

[None Found]

Voter Registration:

Name: HOWELL W WOLTZ
Address:
DOB:
Gender: Male
Ethnicity: White
Last Vote Date: 01/01/2002
Registration Date: 10/29/1991
Political Party: Libertarian
State of Registration:

Name: HOWELL WAY WOLTZ
Address:
DOB:
Gender: Male
Ethnicity: White
Registration Date: 10/29/1991
Political Party: Libertarian
State of Registration:

Name: HOWELL WAY WOLTZ
Address:
DOB:
Gender: Male
Ethnicity: White
Last Vote Date: 11/05/2002
Registration Date: 10/29/1991
Political Party: Libertarian
State of Registration:

0200 10 21 0 130

Status: Active

Name: HOWELL W WOLTZ
Address:
DOB:
Gender: Male
Ethnicity: White
Registration Date: 09/27/1980
Political Party: Republican
State of Registration:

Hunting/Fishing Permit:

[None Found]

Concealed Weapons Permit:

[None Found]

Possible Associates:

FRED HUTCHINS Age:
Issued in between 01/01/1936 and 01/01/1951

Names Associated with Associate:

FRED S HUTCHINS JR Age:
Issued in between 01/01/1936 and 01/01/1951
FREDERICK S HUTCHINS JR DOB: Age: 72
Issued in between 01/01/1936 and 01/01/1951

FREDERICK STRICKLAND HUTCHINS JR DOB: Age: 72
Issued in between 01/01/1936 and 01/01/1951

HUTCHINS FREDERICK STRICKLAND Age:
Active Address(es):

✓
HUTCHINS FRED S JR

✓
HUTCHINS LAURIE L

✓
HUTCHINS BRENDA

Previous And Non-Verified Address(es):

3
3

F S HUTCHINS 3 Age:
Names Associated with Associate:
FRED S HUTCHINS JR Age:
FREDERICK S HUTCHINS 3 DOB: Age: 43
Issued in between 01/01/1966 and 12/31/1967
FREDERICK STRICKLAND HUTCHINS III Age:

Active Address(es):
✓
HUTCHINS RICK & JOUETE

1201 10 21 01 0021

REMIGIA MENDOZA Age:
. issued in . between 01/01/1963 and 12/31/1964
Previous And Non-Verified Address(es):

Possible Relative Summary:

- > VERNICE CHAITAN WOLTZ, Age 41
- > LAURIE L HUTCHINGS
 - >> LAURA L HUTCHINS - (AKA)
 - >> LAURIE LOUISE HUTCHINS - (AKA), Age 48
 - >> LAURIE M WALTZ - (AKA)
 - >> LAURIE H WOLTZ - (AKA), Age 48
 - >> LAURIE L WOLTZ - (AKA), Age 47
 - >> FRED S HUTCHINS JR, Age 72
 - >>> FREDERICK STRICKLAND HUTCHINS JR - (AKA), Age 72
 - >>> HUTCHINS FREDERICK STRICKLAND - (AKA)
 - >>> FLORENCE S HUTCHINS
 - >>> BARBARA C GITTER, Age 68
 - >>>> BARBARA CAUDLE HUTCHINS - (AKA), Age 68
 - >>>> BARBARA G HUTCHINS - (AKA)
 - >>> HU TCHINS BRENDA
 - >>>> TCHINS BRENDA HU - (AKA)
 - >>>> BRENDA H HUTCHINS - (AKA)
 - >>>> BRENDA QUINN HUTCHINS - (AKA), Age 64
 - >>>> BRENDA Q HUTCHINSINS - (AKA)
 - >>>> BRENDA H QUINN - (AKA), Age 64
 - >> F S HUTCHINS 3
 - >>> FRED S HUTCHINS JR - (AKA)
 - >>> FRED S HUTCHINS III - (AKA), Age 43
 - >>> FREDERICK S HUTCHINS 2 - (AKA), Age 43
 - >>> FREDERICK STRICKLAND HUTCHINS III - (AKA), Age 43
 - >>> JOUETE S HUTCHINS, Age 35
 - >>>> GOUETTE L SENTILLES - (AKA)
 - >>>> JOUETE L SENTILLES - (AKA), Age 35
 - >>>> JOVETTE SENTILLES - (AKA)
 - >>> RICK HUTCHINS
 - >>> BARBARA C HUTCHINS
 - >> **D** FLORENCE HUTCHINS, Age 72
 - >> ROBERT W HUTCHINS JR
 - >> KATE WOLTZ
 - >> HOWELL W WOLTZ
 - > VERNICE WOLTZ
 - > HOWELL W WOLTZ, Age 50

Possible Relatives:

VERNICE CHAITAN WOLTZ DOB: . ge: 41
ssued in . between 01/01/1990 and 12/31/1990

Active Address(es):

VERNICE CHAITAN WOLTZ - **S** ✓

Previous And Non-Verified Address(es):

VERNICE C WOLTZ - **S**

VERNICE CHAITAN WOLTZ - **S** |

VERNICE C WOLTZ - **S**

VERNICE C WOLTZ - **S**

VERNICE C WOLTZ - **S**

VERNICE C WOLTZ - **S**

VERNICE WOLTZ -

VERNICE C WOLTZ - **S**

VERNICE WOLTZ

LAURIE L HUTCHINGS Age:
Names Associated with Relative:

LAURA L HUTCHINS Age:

LAURIE LOUISE HUTCHINS

Age: 48

012 012 01 002

LAURIE M WALTZ -
LAURIE M WALTZ -
LAURIE H WOLTZ -
LAURIE M WALTZ -
LAURIE L HUTCHINS -
LAURIE H WOLTZ -
LAURIE H WOLTZ - S
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LAURIE L WOLTZ - S
LAURIE H WOLTZ - S
LAURIE H WOLTZ
LAURIE L WOLTZ - S

Possible Relative:

FRED S HUTCHINS JR DOB: Age: 72

Names Associated with Relative:

FREDERICK STRICKLAND HUTCHINS JR DOB: Age: 72

HUTCHINS FREDERICK STRICKLAND Age:
Active Address(es):

FRED S HUTCHINS JR - ✓
HUTCHINS FRED S JR

FRED S HUTCHINS JR - ✓
HUTCHINS LAURIE I

FRED S HUTCHINS JR - ✓
HUTCHINS BRENDA

Dec 2000)

Previous And Non-Verified Address(es):
FRED S HUTCHINS JR -

Sep 2001)

FRED S HUTCHINS JR -
FRED S HUTCHINS JR -
FRED S HUTCHINS JR -
FRED S HUTCHINS JR -
FRED S HUTCHINS JR -
FRED S HUTCHINS JR - S
FRED S HUTCHINS JR -
FRED S HUTCHINS JR - S

Possible Relative:

FLORENCE S HUTCHINS Age:

Previous And Non-Verified Address(es):

FLORENCE S HUTCHINS -

BARBARA C GITTER DOB: Age: 68

issued in North Carolina between 01/01/1952 and 12/31/1953

Names Associated with Relative:

BARBARA CAUDLE HUTCHINS DOB: Age: 68

issued in North Carolina between 01/01/1952 and 12/31/1953

BARBARA G HUTCHINS Age:

Active Address(es):

BARBARA CAUDLE HUTCHINS - ✓

Sep 2004)

HUTCHINS FRED S JR

Previous And Non-Verified Address(es):

BARBARA G HUTCHINS -
BARBARA C GITTER -
BARBARA C HUTCHINS -
BARBARA C GITTER -

HUTCHINS BRENDA Age:

Names Associated with Relative:

(Aug 1985 - Sep 2003)

Previous And Non-Verified Address(es):

BRENDA QUINN - 1
BRENDA QUINN -
BRENDA QUINN -
BRENDA QUINN -
BRENDA H QUINN -
BRENDA H QUINN
BRENDA H QUINN
BRENDA H QUINN -
BRENDA H QUINN -

F S HUTCHINS 3 Apr

(Dec 1993 - Sep 2004)

Previous And Non-Verified Address(es):

FRED S HUTCHINS JR -
FREDERICK S HUTCHINS III -
FRED S HUTCHINS
F S HUTCHINS 3 -
FREDERICK S HUTCHINS 3 -
FREDERICK S HUTCHINS III

Dec 1992)

FREDERICK S HUTCHINS III

Apr 1986)

FREDERICK S HUTCHINS 3 -

FREDERICK S HUTCHINS 3 -

Possible Relative:

JOUETE S HUTCHINS DOB:

Sep 2004)

JOUETE S HUTCHINS - ✓

HUTCHINS RICK & JOUETE

Nov 2002)

JOUETE L SENTILLES - ✓

SENTILLES JAMES T

Previous And Non-Verified Address(es):

JOUETE L SENTILLES
JOUETE S HUTCHINS

Feb 1999)

Feb 1999) JOUETE S HUTCHINS -
JOUETE S HUTCHINS -
JOUETE L SENTILLES -
Dec 1991) JOUETE L SENTILLES -
JOUETE L SENTILLES -

RICK HUTCHINS Age:

BARBARA C HUTCHINS Age:

D FLORENCE HUTCHINS DOB:

Apr 1985) FLORENCE HUTCHINS - **S**
FLORENCE HUTCHINS
FLORENCE HUTCHINS

ROBERT W HUTCHINS JR Age:

KATE WOLTZ Age:
Previous And Non-Verified Address(es):

HOWELL W WOLTZ Age:
Previous And Non-Verified Address(es):

VERNICE WOLTZ
Previous And Non-Verified Address(es):
VERNICE WOLTZ -

HOWELL W WOLTZ
Previous And Non-Verified Address(es):
HOWELL W WOLTZ - **S**

**DUE DILLIGENCE
STATE OF NORTH CAROLINA**

**COMMODITY FUTURES)
TRADING COMMISSION)
Plaintiff)
Vs.)
EQUITY FINANCIAL)
GROUP,LLC ,TECH TRADERS,)
INC., VINCENT JFIRTH and)
ROBERT W. SHIMER)
Defendants)**

Judge Robert B. Kugler
CASE NUMBER:
1:04CV-01512-RBK-AMD

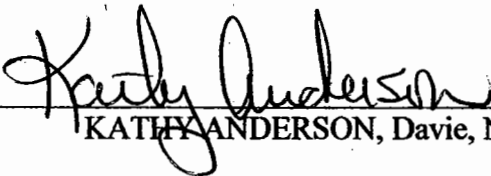
(Currently pending the District of New Jersey)

PERSONALLY APPERARED BEFORE ME KATHY ANDERSON, who, being duly sworn, says that she is a citizen of the United States, over the age of twenty-one, and not a party to the action and that she did NOT serve the **SUBPOENA DUCES TECUM** to VERNICE WOLTZ located at:

9-10-2004 3:44PM VERNICE WAS NOT HOME.
9-11-2004 9:22AM NO ONE HOME
9-14-2004 8:40PM SPOKE TO HUSBAND...HE STATED THAT
VERNICE WAS OUT OF THE COUNTRY AND WOULD NOT RETURN
FOR AT LEAST 3 WEEKS.

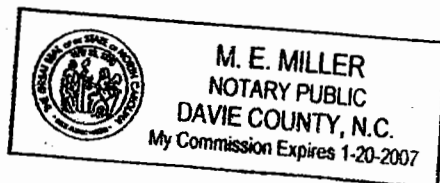
Race: White Sex: MALE Ht: 5'8"-5'9" WT: 180 AGE: 40-45 Hair: brown

To the best of my knowledge and belief, said person was not engaged in the US Military at the time of service.


KATHY ANDERSON, Davie, NC

SWORN TO BEFOR ME this 16TH
day of September, 2004

Notary Public M E Miller



A-1 Services
222 Holly Lane
Mocksville, NC 27028

**DUE DILLIGENCE
STATE OF NORTH CAROLINA**

**COMMODITY FUTURES)
TRADING COMMISSION)
Plaintiff)
Vs.)
EQUITY FINANCIAL)
GROUP,LLC ,TECH TRADERS,)
INC., VINCENT JFIRTH and)
ROBERT W. SHIMER)
Defendants)**

**Judge Robert B. Kugler
CASE NUMBER:
1:04CV-01512-RBK-AMD**

(Currently pending the District of New Jersey)

PERSONALLY APPERARED BEFORE ME KATHY ANDERSON, who, being duly sworn, says that she is a citizen of the United States, over the age of twenty-one, and not a party to the action and that she did NOT serve the SUBPOENA DUCES TECUM to VERNICE WOLTZ located at:

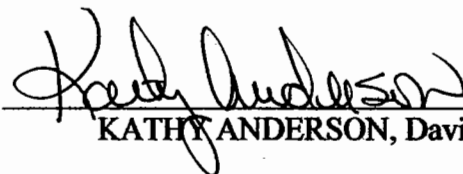
10-19-2004 8:57PM NO ONE HOME.

10-20-2004 8:05PM SPOKE TO INDIAN MAID—SHE STATED THAT I SHOULD RETURN ON 10-21 AT 7:00PM

10-21-2004 6:32PM SPOKE TO INDIAN MAID SHE STATED THAT I MISUNDERSTOOD HER YESTERDAY AND MRS. WOLTZ WAS AT HER OFFICE WHICH WAS OUT OF THE COUNTY. SHE HAD NO IDEA WHEN SHE WOULD RETURN.

Race: Indian Sex: female Ht: 5'5"-5'9" WT: 130 AGE: 40-45 Hair: black

To the best of my knowledge and belief, said person was not engaged in the US Military at the time of service.

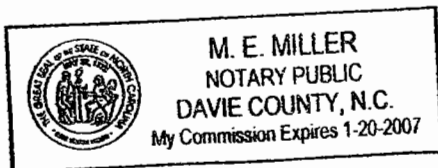

KATHY ANDERSON, Davie, NC

SWORN TO BEFOR ME this 22TH
day of **October, 2004**

Notary Public



A-1 Services
222 Holly Lane
Mocksville, NC 27028



ATTACHMENT 5

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

ATTORNEYS AT LAW

675 THIRD AVENUE 18TH FLOOR
NEW YORK, NY 10017
(212) 661-2150ONE NORTH BROADWAY
WHITE PLAINS, NEW YORK 10601TEL: (914) 285-9800
FAX: (914) 285-9855**MARTIN P. RUSSO, P.C.**
Partner
mrusso@kclaw.comOTHER LOCATIONS:
FORT LAUDERDALE, FLORIDA
LONDON, ENGLAND
GENEVA, SWITZERLAND

November 11, 2004

By Facsimile and U.S. MailElizabeth Streit, Esq.
Commodity Futures Trading Commission
525 West Monroe Street, Suite 110
Chicago IL 60661Re: CFTC v. Equity Financial Group, LLC et al., Civil Action No. 04-1512 (RBK)

Dear Ms. Streit:

We represent Walter Hannen and write in response to your letter dated November 2, 2004. While we understand that Ms. McCormack is not an attorney, we believe it is inappropriate for your staff to communicate with represented persons. We do not wish to make anything more of this, but request that you instruct your staff to refrain from such communications in the future.

With respect to your questions about Mr. Hannen's lack of documents, please consider that you subpoenaed him in his personal capacity. We will forward the declaration of compliance to Mr. Hannen and get it to you shortly. With respect to the "backup" issue, please be advised that my office now has several tapes that fit the description you provided. The Sterling Group was unable to read the tapes and has forwarded them to us to find a computer service company that can help us identify the tape you seek. To be clear, at least two of the tapes are not what you seek and we cannot produce them. Once we read the tapes, and assuming we identify the one you seek, we will have a CD of the responsive data created. Nothing will be altered. If you wish to physically inspect the tape we must first agree on procedures for such inspection.

Finally, please return the Sterling computer you have confiscated from J. Vernon Abernethy. At this point, your computer testing service must have completed its review.

Sincerely,



Martin P. Russo

H:\720470000\SS1668.WPD

ATTACHMENT 5

ATTACHMENT 6



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

November 15, 2004

Via Facsimile: (914) 285-9855

Followed by U.S. Mail

Mr. Martin P. Russo

Kurzman, Eisenberg, Corbin, Lever & Goodman, LLP

One North Broadway

White Plains, NY 10601

Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)

Dear Mr. Russo:

I am in receipt of your letters dated November 11, 2004. December 10 is an acceptable date for Mr. Woltz's deposition. We are trying to make arrangements to conduct the deposition at Alston & Bird's offices in downtown Charlotte rather than the U.S. Attorney's office. If those arrangements are made, I will let you know.

I await Mr. Hannon's declaration and the CD of Vernon Abernethy's backup tape. Please be advised that the laptop computer held by Mr. Abernethy has been returned to him.

Sincerely,

Elizabeth M. Streit
Lead Trial Attorney

cc: Scott R. Williamson

ATTACHMENT 7



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

December 16, 2004

Via Facsimile: (914) 285-9855

Followed by U.S. Mail

Mr. Martin P. Russo

Kurzman, Eisenberg, Corbin, Lever & Goodman, LLP

One North Broadway

White Plains, NY 10601

Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)

Dear Mr. Russo:

In the rush to catch planes after Mr. Woltz's deposition, I neglected to pay you for my lunch. Enclosed in the mailed version of this letter please find \$10 in payment.

You asked that I write to confirm my request during the deposition for certain documents. These are the documents that I requested during the deposition:

1. Documents showing the date of suspension of Sterling Bank, Ltd.,
2. the hard drives from Mr. Woltz's computer that he stated had crashed,
3. the Sterling Group account statements from investments in the Celera Portfolio that Mr. Woltz testified about,
4. all correspondence and agreements with David or Jamie Loeser, CMP Fund or DRL Twenty Plus Fund. and
5. any emails to or from J. Vernon Abernethy.

As we also discussed at the deposition, I am still waiting for Mr. Hannen's affidavit or declaration under penalty of perjury that he does not possess or control any of the documents compelled by the Commission's October 14 subpoena, which was served on Mr. Hannen October 26, almost two months ago. Please provide that affidavit, or the documents we requested, by the end of the year or I will be forced to take other action.

I am also still awaiting the Vernon Abernethy backup tape. That request has been outstanding since August 20.

Sincerely,

Elizabeth M. Streit
Lead Trial Attorney

ATTACHMENT 8



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

January 18, 2005

Via Facsimile: (914) 285-9855

Followed by U.S. Mail

Mr. Martin P. Russo

Kurzman, Eisenberg, Corbin, Lever & Goodman, LLP

One North Broadway

White Plains, NY 10601

Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)

Dear Mr. Russo:

I have not received a response from you to my letter of December 16, 2004 (another copy of that letter is attached.) In that letter, I reiterated my request for certain documents requested during Mr. Woltz's deposition on December 10, 2004. The requested documents are outlined in the December 16 letter. I also reiterated my request for the Vernon Abernethy back-up tape, a request that has been outstanding since August 20. Finally, I still await Mr. Hannen's affidavit or declaration under penalty of perjury that he does not possess or control any of the documents compelled by the Commission's October 14 subpoena which was served on October 26. Mr. Hannen has not complied with that subpoena. Please provide the documents requested by that subpoena or Mr. Hannen's sworn statement by Friday January 21, 2005 or I will prepare a motion to compel compliance in the Western District of North Carolina.

Sincerely,

Elizabeth M. Streit
Lead Trial Attorney

ATTACHMENT 9

Kurzman Eisenberg Corbin Lever & Goodman, LLP
Attorneys at Law
One North Broadway, 10th Floor, White Plains, NY 10601

Tel: (914) 285-9800
Fax: (914) 285-9855

FACSIMILE TRANSMITTAL SHEET

Attention: This facsimile contains **PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the Addressee(s) named below. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone at (914) 285-9800 and return the original facsimile to us at the address above via the U.S. Postal Service. We will reimburse you for all expenses incurred. Thank you.

To: Elizabeth Streit, Esq.
Fax No.: (312) 596-0714
From: Martin P. Russo, Esq.
Date: January 24, 2005

Number of Pages INCLUDING THIS PAGE: 5

[If you do not receive all pages, call (914) 285-9800]

Message: See following. Hard copy will follow via first class mail.

ATTACHMENT 9

Original Will Not Follow.

Original Will Follow: by mail by hand by overnight courier

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

ATTORNEYS AT LAW

675 THIRD AVENUE 18TH FLOOR
NEW YORK, NY 10017
(212) 661-2150OTHER LOCATIONS:
FORT LAUDERDALE, FLORIDA
LONDON, ENGLAND
GENEVA, SWITZERLANDONE NORTH BROADWAY
WHITE PLAINS, NEW YORK 10601TEL: (914) 285-9800
FAX: (914) 285-9855**MARTIN P. RUSSO, P.C.**
Partner
mrusso@kelaw.com

January 24, 2005

By Facsimile (312) 596-0714
and By First Class MailElizabeth Streit, Esq.
Lead Trial Attorney
Commodity Futures Trading Commission
525 West Monroe Street, Suite 110
Chicago IL 60661Re: CFTC v. Equity Financial Group, LLC et al., Civil Action No. 04-1512 (RBK)

Dear Ms. Streit:

I write in response to your letters dated December 16, 2004 and January 18, 2005. Might I suggest that in the future you call me directly rather than writing letters with unilaterally imposed deadlines. Please do not waste the Court's time with a meritless motion.

Mr. Woltz does not have personal custody, possession or control of the documents you seek. Moreover, he does not have the crashed hard disks which were retained by the manufacturer when he had them repaired. Nevertheless, I have contacted certain persons associated with the Sterling Group of companies and am attempting to get you as much of the documents as possible. Annexed hereto is a redacted copy of certain e-mails with the Loesers. I am awaiting a copy of the agreement between Sterling Bank and the Loesers and will forward it to you when I receive it. Unfortunately, I am informed that the Celera Portfolio records are not available.

With respect to the "Abernethy" back-up. A third party vendor has enabled us to access the files. Based upon an initial review, it appears that the back-up is of a computer owned by Sterling Insurance and, as you know, currently misappropriated by Mr. Abernethy. We are in the process of reviewing the data (which is taking a lot of time because many of the applications must first be identified and loaded before files can be viewed). When our review is complete, we will forward to you documents in any way relevant to the above-referenced matter. At your option, those documents can be produced in either electronic or paper form.

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

Elizabeth Streit, Esq.
January 24, 2005
Page 2

Finally, with respect to Mr. Hannen, you will have his declaration in a few days. He has been out of town and mostly out of the country since November 2004. I spoke with him today and understand he intends to fax me a copy of the signed declaration soon.

Thank you for your anticipated cooperation.

Sincerely,



Martin P. Russo

cc: *With Enclosures:*

Stephen T. Bobo, Esq.
Howell Woltz
Warren Faulk, Esq.

Subject:Re: Funds
 Date:3/1/2004 11:02:09 AM Eastern Standard Time
 From:Jamojamo
 Reply To:
 To: [REDACTED]

Thanks [REDACTED]
 Got your email this Monday morning, as I was headed to Long Island on Friday. Spoke with Howell this morning and he told me you were at the bank's doors this morning to move \$3m plus into the trading account. Good job!
 Call me if you need me. Hope you are successful in reversing that wire fee.
 Jamie.

===

Subject:Move Money
 Date:3/15/2004 11:43:38 AM Eastern Standard Time
 From:Jamojamo
 Reply To: [REDACTED]

Hi, [REDACTED]
 Thanks for the confirm of wire receipt.
 Spoke with Howell this morning. Please move another \$3m into trading today. Look to move the remaining monies in sometime next week. How much is in trading now?
 Hope you had a great weekend!
 Jamie.

===

Subject: Re: Good morning.
 Date: 3/8/2004 2:04:33 PM Eastern Standard Time
 From: Jamojamo
 Reply To:

To: [REDACTED]
 Good morning, or actually early afternoon, [REDACTED]
 Thanks for your introspective thoughts. If my feelings for Howell, you, etc. were not at such a high level of trust, and possibly vice versa, we may not have gotten this far. Attempting to set this up the "right" way has been trying on all of us. Had a good conversation [REDACTED] Things will stay as is for now, with CMP funds going to BoA, etc. The \$1m still at ML should be sent over within next couple of days, after letter of credit is released.

Talk with you soon,
 Jamie.

===

Subject: Sterling statement etc
 Date: 3/4/2004 11:53:56 AM Eastern Standard Time
 From: Jamojamo
 Reply To:

To: [REDACTED]
 Dear Howell,
 Thanks for the quick response.

[REDACTED]
 I just spoke with Walt re the \$3 m moving into trading. He helped me a bit with the route of the money. Sounds like it moves into the TechTrading account at BoA. Does it go to Rosenthal from there? Since TechTrading now has custody of the funds, I will need some info on them to satisfy due diligence regs. I assume TechTrading is Coy, if not, who is TechTrading? Is the TechTrading your/Sterling's account or is it Coy's account? Do you supply due diligence documents on you, Sterling, TechTrading, Coy, etc. in your relationships with Merrill and Goldman Sachs, and could you send us the same? Don't want to bother you, but I need to get the file complete on this and not be concerned with it past this week. Should the sub-advisory agreement that we're sending be with TechTrading, and should we be getting a statement from TechTrading? I raised a question with Walt re tax reporting. Will we get a year end tax statement, dividends, cap gain/loss, etc from TechTrading? Walt seemed to think so. We do need a formal monthly statement from TechTrading or Sterling, as similar to a Merrill type statement as possible, showing account number, beg balance, end balance, gain, trading transactions or whatever to substantiate the gain (ie. if it's a Sterling Bank account, then investment could be in Sterling Strategic and gain could be an unrealized gain showing monthly market value), deposits, withdrawals, etc. to provide our administrator, and also for tax purposes. Thanks again, Howell. Dad/Dave will be heading to get his plane in FL on 3/20. Would a meeting with you on 3/21 be ok? How would that work for you, Walt? He can fly either to Lake Norman (Charlotte?) or Advance (Twin Lakes). Let us know what works for you.

I don't think the mysterious \$72,000 was wired over yet, at least not by my direction. However, I will be directing that it be wired today. Please provide the wiring instructions as the money will be coming from Cardinal in Nassau. Thanks.

Talk with you soon,
 Jamie.

Reply To:

To: jamie@drloeser.com

Hello Jamie,

Thank you for your email. We appreciate your relationship with us and look forward to hopefully exceeding your group's expectations. We can count on your not overselling us, right?

My SEC question arises from - does CMP inadvertently create and assume SEC status and oversight by taking actions and positions that imply or adhere to that status?

Jamie, we take what you assert seriously as you would expect. After discussions, we haven't linked to CMP the foreign versus domestic bank issue you mentioned. My concern is, of course, that Sterling wants to ensure compliance as rules and regulations apply, but, on the other hand, not create them for our clients and ourselves.

Again, we will all try to meet your needs and expectations. I look forward to hearing from you.

Sincerely,

[REDACTED]

===
Date: 3/5/2004

From:

Reply To:

To: jamie@drloeser.com

Hello Jamie,

The due diligence package, all 255 pages of it, has been sent via UPS to your attention at you office address. It is scheduled to arrive on Monday morning. The tracking number for your records is 1ZX32W990154132179.

We will be mailing a statement to you on Monday as well.

I'm curious about one part of our dialogue and your concerns. When your group was first explained to me, I recall understanding that you did not come under SEC rules. Is that true or if not, has that changed recently?

Let me know if you we can do anything further.

Have a fine weekend,

[REDACTED]

===
Subject: CMP - SEC

Date: 3/6/2004

From:



ATTACHMENT 10

Kurzman Eisenberg Corbin Lever & Goodman, LLP
Attorneys at Law
One North Broadway, 10th Floor, White Plains, NY 10601

Tel: (914) 285-9800

Fax: (914) 285-9855

FACSIMILE TRANSMITTAL SHEET

Attention: This facsimile contains **PRIVILEGED AND CONFIDENTIAL INFORMATION** intended only for the use of the Addressee(s) named below. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone at (914) 285-9800 and return the original facsimile to us at the address above via the U.S. Postal Service. We will reimburse you for all expenses incurred. Thank you.

To: Elizabeth Streit, Esq.

Fax No.: (312) 596-0714

From: Martin P. Russo, Esq.

Date: January 26, 2005

Number of Pages INCLUDING THIS PAGE: 3

[If you do not receive all pages, call (914) 285-9800]

Message:

ATTACHMENT 10

Original Will Not Follow.

Original Will Follow:

by mail

by hand

by overnight courier

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

ATTORNEYS AT LAW

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GENEVA, SWITZERLAND

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TEL: (914) 285-9800
FAX: (914) 285-9855

MARTIN P. RUSSO, P.C.
Partner
mrusso@kclaw.com

January 26, 2005

By Facsimile and U.S. Mail

Elizabeth M. Streit, Esq.
Senior Trial Attorney
Commodity Futures Trading Commission
525 West Monroe Street, Suite 1100
Chicago, IL 60661

Re: U.S. CFTC v. Equity Financial Group, et al.
Case No. 04-CV-1512 (D.N.J.)

Dear Ms. Streit:

Pursuant to your request, annexed please find a copy of the Declaration signed by Walter Hannen on the 25th day of January 2005.

Sincerely,



Martin P. Russo


Enclosure

**Declaration under penalty of perjury of
pursuant to 28 U.S.C. § 1746**

I, Walter Hannen, hereby declare as follows:

1. I am over the age of eighteen (18) and a citizen of the United States of America. I submit this declaration at the request of the CFTC in the case entitled *CFTC v. Equity Financial Group, LLC, Case No. 04-CV-1512 (D.N.J.)*.
2. In or about October 2004, I was served with a subpoena in the above-referenced matter which commanded production of a computer back-up tape allegedly belonging to Jack Vernon Abernethy and documents referencing, relating to or involving any of Jack Vernon Abernethy, Tech Traders, Inc., Tech Traders, Ltd, Magnum Investments, Magnum Capital Investments, Coyt E. Murray, Coyt A. Murray, Robert Shimer, Vincent Firth, and Elaine Teague, including, but not limited to, correspondence, faxes, email, memoranda, invoices, statements, agreements, contracts, promotional materials, notes, and records evidencing transfers of money.
3. I have no documents responsive to the subpoena in my personal possession, custody or control other than those previously produced.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 25th day of January 2005.


Walter Hannen

ATTACHMENT 11



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

VIA HAND DELIVERY

Ms. Vernice Woltz
255 Woltz Lane
Advance, NC 27006

**Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)
Subpoena Duces Tecum dated 2/28/05**

Dear Ms. Woltz:

Enclosed please find a judicial subpoena calling for the production of documents as further specified in the attached subpoena within 10 days of receipt this subpoena. This subpoena makes clear that the Commodity Futures Trading Commission will accept hard copies of any documents existing in electronic form. This subpoena also calls for your deposition to commence 15 days after receipt of this subpoena at the U.S. Attorney's Office, Western District of North Carolina, Carillon Building, 227 West Trade Street, Suite 1700, Charlotte, NC 28202.

Please take note that the production of documents must be accompanied by a sworn affidavit authenticating the materials and certifying that the production is complete. For your convenience, we have attached an affidavit form for your use.

Once you have received this subpoena, please call Lead Trial Attorney, Elizabeth Streit at (312) 596-0537 for specific details regarding the time the deposition will commence.

Sincerely,

Joy McCormack

Investigator

Enclosure: Subpoena with Attachment

cc: Elizabeth Streit, Lead Trial Attorney

Issued by the
United States District Court
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA

**COMMODITY FUTURES
TRADING COMMISSION**

Plaintiff,

VS

**EQUITY FINANCIAL GROUP, LLC
VINCENT J. FIRTH, ROBERT W. SHIMER,
J. VERNON ABERNETHY, COYT E. MURRAY,
TECH TRADERS, INC., TECH TRADERS, LTD.,
MAGNUM INVESTMENTS, and
MAGNUM CAPITAL INVESTMENTS, LTD**

JUDGE ROBERT B. KUGLER

CASE NUMBER:

1:04CV-01512-RBK-AMD

(Currently pending in the District of New Jersey)

Defendants.

TO: Ms. Vernice Woltz
255 Woltz Lane
Advance, NC 27006

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM:
	DATE AND TIME:

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION United States Attorney's Office Western District of North Carolina Suite 1700, Carillon Building 227 West Trade Street Charlotte, NC 28202	DATE AND TIME 15 days after receipt of this subpoena
--	--

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **SEE "SCHEDULE A" ATTACHED HERETO**

PLACE U.S. Attorney's Office - WDNC Suite 1700, Carillon Building 227 West Trade Street Charlotte, NC 28202 otherwise Lead Trial Attorney Elizabeth Streit Commodity Futures Trading Commission Division of Enforcement 525 West Monroe, Suite 1100 Chicago, IL 60661	DATE AND TIME 10 days after receipt of this subpoena
---	--

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant) Attorney for Plaintiff <i>Elizabeth M. Streit</i>	Date: 3/3/05
Issuing Officer's Name, Address, and Phone Number Elizabeth Streit, Lead Trial Attorney Commodity Futures Trading Commission 525 West Monroe Street, Suite 1100 Chicago, IL 60661 (312) 596-0537	

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

SERVED: Vernice Woltz DATE: PLACE:
MARCH 5, 2005 *CHARLOTTE, NC*

SERVED ON (PRINT NAME): VERNICE WOLTZ MANNER OF SERVICE: **Hand Delivery**
SERVED BY (PRINT NAME): TITLE:
CATHERINE Y. BURNS *SENIOR SPECIAL AGENT*

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on *3/5/05*
DATE

Catherine Y. Burns
SIGNATURE OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents 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 demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Attachment A to Subpoena
Issued to Vernice Woltz on February 28, 2005

Definitions and Instructions

A. The term "document" shall include, but not be limited to, any memorialization, whether in writing, in any mechanical or tape recording, or in a computer memory.

Documents to Be Produced

Request No. 1

Any and all documents referencing, relating to or involving any of the names listed below including, but not limited to, correspondence, faxes, email, memoranda, invoices, statements, agreements, contracts, promotional materials, notes, and records evidencing transfers of money. Documents existing in electronic format may be produced in hard copy for the listed individuals and entities:

Abernethy, Jack Vernon
Tech Traders, Inc.
Tech Traders, Ltd.
Magnum Investments
Magnum Capital Investments
Murray, Coyt E.
Murray, Coyt A.
Shimer, Robert
Firth, Vincent
Equity Financial Group, LLC

Request No. 2

Any and all documents evidencing communications with current, prior or prospective investors, lenders and/or customers of Sterling Alliance, Ltd., Sterling Bank, Ltd., Sterling ASC, Ltd., Strategic (Bahamas) Portfolio, Sterling Casualty & Insurance, Ltd., Sterling Investment Management, Inc., Sterling Investment Management, Ltd., Strategic Investment Portfolio, LLC, Sterling Trust, Ltd.; and Sterling Trust (Anguilla), Ltd. whose money was directly or indirectly sent to Man Financial, Tech Traders, Ltd., Tech Traders, Inc., Magnum Investments and/or Magnum Capital Investments.

Request No. 3

Any and all emails received at or sent (directly or indirectly) to vwoltz@sterlinggroup.bs and/or hwoltz@sterlinggroup.bs referring or relating to any of the individuals or entities described in Requests No. 1 and/or 2.

Request No. 4

Any disclosure document, prospectus or operating agreement that sets out the purpose and strategies of any investments made directly or indirectly with any of the entities listed in Request No. 2.

Request No. 5

For the period of January 2003 to the present, all financial ledgers including balance sheets and statements of income for any of the entities listed in Request No. 2.

Request No. 6

For the period of January 2003 to the present, copies of all bank and trading statements for all accounts in the names of any of the entities listed in Request No. 2.

Request No. 7

Any promotional or solicitation literature used by any of the entities listed in Request No. 2.

Request No. 8

Any and all documents evidencing transfers of money between current, prior or prospective investors, lenders and/or customers of Sterling Alliance, Ltd., Sterling Bank, Ltd., Sterling ASC, Ltd., Strategic (Bahamas) Portfolio, Sterling Casualty & Insurance, Ltd., Sterling Investment Management, Inc., Sterling Investment Management, Ltd., Strategic Investment Portfolio, LLC, Sterling Trust, Ltd.; and Sterling Trust (Anguilla), Ltd. whose money was directly or indirectly sent to Man Financial, Tech Traders, Ltd., Tech Traders, Inc., Magnum Investments and/or Magnum Capital Investments.

RECORDS AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared _____
who, being by me duly sworn, deposed as follows:

My name is _____, I am over 21 years of age, of sound mind,
capable of making this affidavit, and personally acquainted with the facts herein stated.

Attached hereto is/are (_____) page(s) of records from my files. These records were
kept by me in the regular course of business; and, the memorandum or record was made at or
near the time of the act, event or condition recorded or reasonably soon thereafter. I certify that
the record(s) attached hereto is/are exact duplicates of the originals.

_____, Affiant

SWORN TO AND SUBSCRIBED before me this ___ day of _____, 2005.

Notary Public, State of North Carolina

ATTACHMENT 12

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

ATTORNEYS AT LAW

675 THIRD AVENUE, 18TH FLOOR
NEW YORK, NY 10017
(212) 661-2150

OTHER LOCATIONS:
FORT LAUDERDALE, FLORIDA
LONDON, ENGLAND
GENEVA, SWITZERLAND

ONE NORTH BROADWAY
WHITE PLAINS, NEW YORK 10601

TEL: (914) 285-9800
FAX: (914) 285-9855

MARTIN P. RUSSO, P.C.
Partner
mrusso@kelaw.com

March 14, 2005

By Facsimile and U.S. Mail

Elizabeth M. Streit, Esq.
Commodity Futures Trading Commission
525 West Monroe Street, Suite 1100
Chicago, IL 60661

Re: U.S. CFTC v. Equity Financial Group, et al.
Case No. 04-CV-1512 (D.N.J.)

Dear Ms. Streit:

Please be advised that your subpoena to Vernice Woltz is defective. Ms. Woltz objects to the subpoena on the ground that it violates Federal Rule of Civil Procedure ("FRCP") 45. Specifically, FRCP 45(a)(2) requires that "[a] subpoena for attendance at a deposition shall issue from the court for the district designated by the notice of deposition as the district in which the deposition is to be taken. If separate from a subpoena commanding the attendance of a person, a subpoena for production or inspection shall issue from the court for the district in which the production or inspection is to be made." Your subpoena purports to issue from the U.S. District Court for the Middle District of North Carolina, but is returnable for production of documents and deposition in the Western District of North Carolina (or Chicago, IL for the documents). Nothing in FRCP 45 permits you to place such a burden on a third-party. For this reason, Ms. Woltz objects to the subpoenas and will not comply at this time.

Thank you for your time.

Sincerely,



Martin P. Russo

cc: V. Woltz
Warren Faulk, Esq.
Bina Singhavi, Esq.
Jeremy Frye, Esq.

HA72047\0000\SS1960.WPD

ATTACHMENT 13



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

March 15, 2005

Via Facsimile: (914) 285-9855

Followed by U.S. Mail

Mr. Martin P. Russo

Kurzman, Eisenberg, Corbin, Lever & Goodman, LLP

One North Broadway

White Plains, NY 10601

Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)
Subpoenas to Vernice Woltz served March 5, 2005

Dear Mr. Russo:

I received your letter claiming that the Commission's subpoena to Vernice Woltz is defective because it requires her to appear at the U.S. Attorneys' office in Charlotte rather than somewhere in the Middle District of North Carolina from which the subpoena issued. If you want the deposition to take place somewhere in the Middle District we will take the deposition somewhere in the Middle District. You can also produce the required documents in the Middle District. Please produce them at the U.S. Attorney's office at 101 South Edgeworth, 4th Floor Greensboro, NC 27401. They should be produced immediately as they are due today.

Please confirm a date on or before April 12th for Ms. Woltz's deposition and I will find a place in the Middle District. If you continue to resist compliance with the subpoena, please be advised that I will object to any hearing on Sterling's objections to the claims process or any distribution of funds to any of the Sterling entities until the subpoena and other discovery requests of the Commission are complied with. I will also continue to attempt to serve Ms. Woltz with subpoenas. As she has spent the last seven months evading service, after testifying in the hearing last year, I think I am on very strong grounds in objecting to funds distribution until she cooperates with our requests for information.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth M. Streit".

Elizabeth M. Streit
Lead Trial Attorney

cc: BinaSanghavi

EXHIBIT

B

**Declaration under penalty of perjury of
Elizabeth M. Streit pursuant to 28 U.S.C. § 1746**

I, Elizabeth M. Streit, hereby declare as follows:

1. I am an attorney admitted to practice in the State of Illinois and am a Trial Team Leader with the Division of Enforcement of the United States Commodity Futures Trading Commission (“Commission” or “CFTC”), an independent regulatory agency of the United States Government. I have been employed with the Commission’s Division of Enforcement since 1998. I am the Lead Trial Attorney in the matter *Commodity Futures Trading Commission v. Equity Financial Group, LLC, Tech Traders, Inc, Tech Traders, Ltd., Magnum Investments, ltd., Magnum Capital Investments, Ltd., Vincent J. Firth, Robert W. Shimer, Coyt E. Murray and J. Vernon Abernethy*, 04CV 1512, filed in the United States District Court for the District of New Jersey.
2. Sometime during the week of August 16, 2004, Defendant J. Vernon Abernethy, who is representing himself *pro se* in this litigation, called me. In that conversation and a conversation on October 18, 2004, he told me the following: Abernethy made a back-up tape of the information on his computer, which contains information about his work for Tech Traders and Sterling Casualty and Insurance, a day or two after he met with the Receiver and me in Charlotte on April 7, 2004. On or about April 15, 2004, Walter Hannen, the president of Sterling Bank, visited him in his home and reviewed the information on his computer. Defendant Coyt E. Murray was also present at that time. Hannen asked Abernethy for a copy of his files and Abernethy

gave him the back-up tape. On or about April 22, 2004, Abernethy asked Hannen to return the backup tape. Hannen told him that Vernice Woltz had taken it to the Bahamas. Abernethy told me that he has asked Hannen and Vernice for the back-up tape repeatedly but it has not been returned to him.

3. On August 20, 2004, I caused subpoenas to be drafted and sent, via Federal Express and First Class mail, to Walter Hannen and Vernice Woltz. Copies of the subpoenas were also sent via Federal Express to Martin Russo, attorney for the Sterling Entities. These subpoenas commanded production of Abernethy's back-up tape, as well as other documents relevant to this litigation. *See Attachments 1 and 2.*
4. On August 31, 2004, I received a letter from Martin Russo in which he stated that he represented Vernice Woltz and Walter Hannon [sic] and that he objected to the subpoenas because a) they were not personally served, b) they required production of documents in Chicago, Illinois, more than 100 miles from the point of attempted service and c) the substance of the subpoenas was unduly burdensome as it required his clients to move computer equipment located in North Carolina hundreds of miles for inspection. However, he stated his clients likely would have no objection to producing hard copies of files. *See Attachment 3.*
5. On September 1, 2004, I responded to Martin Russo's letter by facsimile and U.S. mail. In my response, I told Russo that we would accept hard copy versions of documents, except for Abernethy's back-up tape, which I stated was subject to the Court's Statutory Restraining Order and Consent Order of Preliminary Injunction Against J. Vernon Abernethy and should be turned

over to me immediately. As to other documents responsive to the subpoena, I stated that I would extend the return date on the subpoena to September 15 if the witnesses would agree to send the documents to our office in Chicago. Otherwise, I would make arrangements for their immediate production at the U.S. Attorney's office in Charlotte. *See Attachment 4.*

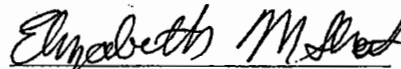
6. Having received no response to my letter of September 1, I sent Russo another letter on September 8, 2004, by facsimile and U.S. mail. In this letter, I stated that I was surprised that I had received no response to my letter of September 1 demanding return of Abernethy's back-up tape. I also stated that having received no response, I would reissue the subpoenas to Vernice Woltz and Hannen, serve them by process server and require production at the U.S. Attorney's office in Charlotte, thus curing any alleged deficiencies in the subpoenas. *See Attachment 5.*
7. On September 9, 2004, I caused to be issued second subpoenas to Vernice Woltz and Walter Hannen and requested personal service by process servers, with production to be made at the U.S. Attorney's office in Charlotte. The September 9 subpoenas requested Abernethy's back-up tape, documents relating to Defendants and Elaine Teague, which could be produced in hard copy form, and documents identifying any beneficial interests in the funds invested directly or indirectly by any of the Sterling Entities, any of the Tech Trader Entities, New Century Trading, LLC or Shasta Capital Associates, LLC. *See Attachments 6 and 7.*
8. On September 15, 2004, I wrote Martin Russo again, by facsimile and U.S. mail. I told him in this letter that our process server had been unable to serve

Vernice Woltz and that Howell Woltz had told the process server that she was out of the country for three weeks. I told him that we are most concerned about obtaining Abernethy's back-up tape and that I knew from my conversations with him that the Woltzs' were aware of what the Commission has subpoenaed. I asked that he let me know as soon as possible if he would accept service of the September 9 subpoenas and told him that continued attempted personal service of the subpoenas would only unnecessarily delay the case. *See Attachment 8.*

9. On September 17, 2004, I again wrote Martin Russo. (The letter is misdated September 15, 2004). I stated that I had not yet received a response to my inquiry whether he would accept service of the September 9 subpoenas on Vernice Woltz and Hannen. I then gave him a very detailed description of the Abernethy back-up tape, which he had acknowledged in an earlier phone conversation that his clients had possession of, but which he claimed they could not distinguish from other tapes they had. *See Attachment 9.*
10. On September 29, 2004, I received a response to my letter from Martin Russo. The letter referenced documents that he was producing that belonged to Abernethy and were copied to "a representative of the Sterling Group" after the lawsuit was filed. The letter also stated that his clients would not accept service of the September 9, 2004 subpoenas because they sought to compel information the production of which would violate Bahamian and Anguillan law. It also stated that his clients had not yet been able to identify the Abernethy tape. *See Attachment 10.*

11. On October 4, 2004, I wrote Russo again and stated that the proper response, if the subpoena called for objectionable material, was to object to those portions of the subpoena that were objectionable, not to refuse service of the entire subpoena. I also stated that the description of the Abernethy tape should have been more than adequate to enable location of the tape and asked once again that it be returned immediately. *See* Attachment 11.
12. On October 11, 2004, I received a response to my October 4 letter from Russo. He again refused to accept service of the September 9 subpoenas. *See* Attachment 12.
13. Although Howell and Vernice Woltz have had actual notice of the Commission's subpoenas for nearly two months, they have produced nothing but a set of work papers of Vernon Abernethy's. The computer back-up tape belonging to Abernethy has yet to be returned.
14. On October 13, 2004, I received a copy of a forwarded email from Howell Woltz, addressed to "Friends and Associates." In the email, Howell Woltz states that he and Vernice Woltz are selling their farm in North Carolina and moving permanently to Nassau, Bahamas, "probably in a few weeks." *See* Attachment 13.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of October 2004.


Elizabeth M. Streit
Lead Trial Attorney

ATTACHMENT 1



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

August 20, 2004

Via Federal Express

Followed by Certified U.S. Mail, RRR

Ms. Vernice Woltz

354 Burton Road

PO Box 406

Advance, NC 27006

**Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)
Subpoena Duces Tecum dated 8/20/04**

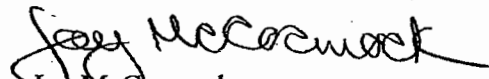
Dear Ms. Woltz:

Enclosed please find a judicial subpoena calling for the production of documents related to any of the names identified in the attached subpoena.

The production must be accompanied by a sworn affidavit authenticating the materials and certifying that the production is complete. For your convenience, we have attached an affidavit form for your use. If the affidavit is incomplete, or additional information is needed, you may be required to appear and testify.

If you have any questions please call me at (312) 596-0527 or Lead Trial Attorney, Elizabeth Streit at (312) 596-0537.

Sincerely,


Joy McCormack
Investigator

Enclosure: Subpoena with Attachment

cc: Elizabeth Streit, Lead Trial Attorney ✓
Martin P. Russo, Esq. (via Federal Express)

ATTACHMENT 1

Issued by the
United States District Court
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA

**COMMODITY FUTURES
TRADING COMMISSION**

Plaintiff,

VS

**EQUITY FINANCIAL GROUP, LLC
TECH TRADERS, INC.
VINCENT J. FIRTH, and
ROBERT W. SHIMER
Defendants.**

JUDGE ROBERT B. KUGLER
CASE NUMBER:
1:04CV-01512-RBK-AMD
(Currently pending the District of New Jersey)

TO: Ms. Vernice Woltz
354 Burton Road
PO Box 406
Advance, NC 27006

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM:
	DATE AND TIME:

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): SEE "SCHEDULE A" ATTACHED HERETO

PLACE 525 West Monroe, Suite 1100 Chicago, IL 60661	DATE AND TIME September 1, 2004, 10:00 a.m.
--	--

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant) Attorney for Plaintiff <i>Elizabeth M. Streit</i>	Date: 8/20/04
Issuing Officer's Name, Address, and Phone Number Elizabeth Streit, Lead Trial Attorney Commodity Futures Trading Commission 525 West Monroe Street, Suite 1100 Chicago, IL 60661 (312) 596-0537	

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

SERVED: Vernice Woltz DATE: 8/20/04 PLACE: 354 Burton Road, Advance, NC 27006

SERVED ON (PRINT NAME): VERNICE WOLTZ	MANNER OF SERVICE: Via Federal Express & Certified Mail, return receipt requested
SERVED BY (PRINT NAME): Elizabeth Streit	TITLE: Lead Trial Attorney

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on August 20, 2004
DATE

Elizabeth M. Streit
SIGNATURE OF SERVER

CFTC
525 West Monroe Street, Suite 1100
Chicago, IL 60661

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents 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 demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Attachment A to Subpoena
Issued to Vernice Woltz on August 20, 2004

Definitions and Instructions

A. The term "document" shall include, but not be limited to, any memorialization, whether in writing, in any mechanical or tape recording, or in a computer memory.

Documents to Be Produced

For the listed individuals and entities:

Abernethy, Jack Vernon
Tech Traders, Inc.
Tech Traders, Ltd.
Magnum Investments
Magnum Capital Investments
Murray, Coyt E.
Murray, Coyt A.
Shimer, Robert
Firth, Vincent
Teague, Elaine

1. Any and all documents referencing, relating to or involving any of the names listed above including, but not limited to, correspondence, faxes, email, memoranda, invoices, statements, agreements, contracts, promotional materials, notes, and records evidencing transfers of money.

2. Any and all computers, computer hard drives, back up tapes, or other electronic and/or digital media regarding any of the listed entities.

ATTACHMENT 2



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

August 20, 2004

Via Federal Express

Followed by Certified U.S. Mail, RRR

Mr. Walter Hannen
4762 Trails End Road
Denver, NC 28037

**Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)
Subpoena Duces Tecum dated 8/20/04**

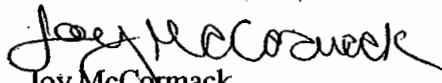
Dear Mr. Hannen:

Enclosed please find a judicial subpoena calling for the production of documents related to any of the names identified in the attached subpoena.

The production must be accompanied by a sworn affidavit authenticating the materials and certifying that the production is complete. For your convenience, we have attached an affidavit form for your use. If the affidavit is incomplete, or additional information is needed, you may be required to appear and testify.

If you have any questions please call me at (312) 596-0527 or Lead Trial Attorney, Elizabeth Streit at (312) 596-0537.

Sincerely,


Joy McCormack
Investigator

Enclosure: Subpoena with Attachment

cc: Elizabeth Streit, Lead Trial Attorney
Martin P. Russo, Esq. (via Federal Express)

ATTACHMENT 2

Issued by the
United States District Court
FOR THE
WESTERN DISTRICT OF NORTH CAROLINA

**COMMODITY FUTURES
TRADING COMMISSION**

Plaintiff,

VS

**EQUITY FINANCIAL GROUP, LLC
TECH TRADERS, INC.
VINCENT J. FIRTH, and
ROBERT W. SHIMER
Defendants.**

JUDGE ROBERT B. KUGLER
CASE NUMBER:
1:04CV-01512-RBK-AMD
(Currently pending the District of New Jersey)

TO: Mr. Walter Hannen
4762 Trails End Road
Denver, NC 28037

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM:
	DATE AND TIME:

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): SEE "SCHEDULE A" ATTACHED HERETO

PLACE 525 West Monroe, Suite 1100 Chicago, IL 60661	DATE AND TIME September 1, 2004, 10:00 a.m.
--	--

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)	Date: 8/20/04
Attorney for Plaintiff <i>Elizabeth M. Streit</i>	
Issuing Officer's Name, Address, and Phone Number Elizabeth Streit, Lead Trial Attorney Commodity Futures Trading Commission 525 West Monroe Street, Suite 1100 Chicago, IL 60661 (312) 596-0537	

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

SERVED: **Walter Hannen** DATE: **8/20/04** PLACE: **4762 Trails End Road, Denver, NC 28037**

SERVED ON (PRINT NAME): WALTER HANNEN	MANNER OF SERVICE: Via Federal Express & Certified Mail, return receipt requested
SERVED BY (PRINT NAME): Elizabeth Streit	TITLE: Lead Trial Attorney

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on August 20, 2004
DATE

Elizabeth M. Streit

SIGNATURE OF SERVER

CFTC
525 West Monroe Street, Suite 1100
Chicago, IL 60661

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents 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 demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Attachment A to Subpoena
Issued to Walter Hannen on August 20, 2004

Definitions and Instructions

A. The term "document" shall include, but not be limited to, any memorialization, whether in writing, in any mechanical or tape recording, or in a computer memory.

Documents to Be Produced

For the listed individuals and entities:

Abernethy, Jack Vernon
Tech Traders, Inc.
Tech Traders, Ltd.
Magnum Investments
Magnum Capital Investments
Murray, Coyt E.
Murray, Coyt A.
Shimer, Robert
Firth, Vincent
Teague, Elaine

1. Any and all documents referencing, relating to or involving any of the names listed above including, but not limited to, correspondence, faxes, email, memoranda, invoices, statements, agreements, contracts, promotional materials, notes, and records evidencing transfers of money.

2. Any and all computers, computer hard drives, back up tapes, or other electronic and/or digital media regarding any of the listed entities.

RECORDS AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared _____
who, being by me duly sworn, deposed as follows:

My name is _____, I am over 21 years of age, of sound mind,
capable of making this affidavit, and personally acquainted with the facts herein stated.

Attached hereto is/are (_____) page(s) of records from my files. These records were
kept by me in the regular course of business; and, the memorandum or record was made at or
near the time of the act, event or condition recorded or reasonably soon thereafter. I certify that
the record(s) attached hereto is/are exact duplicates of the originals.

_____, Affiant

SWORN TO AND SUBSCRIBED before me this ___ day of _____, 2004.

Notary Public, State of North Carolina

ATTACHMENT 3

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

ATTORNEYS AT LAW

675 THIRD AVENUE 18TH FLOOR
NEW YORK, NY 10017
(212) 661-2150

ONE NORTH BROADWAY
WHITE PLAINS, NEW YORK 10601

MARTIN P. RUSSO, P.C.
Partner
mrusso@kelaw.com

OTHER LOCATIONS:
FORT LAUDERDALE, FLORIDA
LONDON, ENGLAND
GENEVA, SWITZERLAND

TEL: (914) 285-9800
FAX: (914) 285-9855

August 31, 2004

By Facsimile and Federal Express

Elizabeth M. Streit, Esq.
Senior Trial Attorney
Commodity Futures Trading Commission
525 West Monroe Street, Suite 1100
Chicago, IL 60661

Re: U.S. CFTC v. Equity Financial Group, et al.
Case No. 04-CV-1512 (D.N.J.)

Dear Ms. Streit:

We represent Ms. Vernice Woltz and Mr. Walter Hannon in connection with the subpoenas dated August 20, 2004, which you attempted to serve by Federal Express and U.S. Mail. My clients have several objections to the subpoenas (which appear to be identical except for the recipients).

First, the subpoenas were not personally served as required by Federal Rule of Civil Procedure ("FRCP") 45. Since service was improper, the subpoenas are defective.

Second, the subpoenas purport to require production of documents and objects in Chicago, Illinois, notwithstanding the fact that they are issued in the Middle District of North Carolina in a case pending in the District of New Jersey. Since the place of production is more than 100 miles from the point of attempted service, the subpoena is additionally defective. FRCP 45 does not give you the authority as an attorney to require such production.

Third, the substance of the subpoena is unduly burdensome inasmuch as it purports to require my clients to move their computer equipment located in North Carolina hundreds of miles for inspection in the event that a single file contains a reference to the named individuals or entities. It also is overly broad inasmuch as it threatens to compromise unrelated confidential information in the possession of entities which employ my clients and, consequently, implicates

ATTACHMENT 3

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

Elizabeth M. Streit, Esq.
August 31, 2004
Page 2

the privacy laws of St. Lucia, Anguilla and the Bahamas (which provide for criminal penalties for unauthorized disclosure of certain client information).

For the reasons stated above, my clients object to the subpoenas pursuant to FRCP 45(c)(2)(B) and will not comply at this time. However, my clients do wish to cooperate with the CFTC. Consequently, they may be amenable to accepting service of a subpoena of reasonable scope which does not compromise their professional obligations. By way of example, my clients likely would have no objection to producing files and/or hard copies of files, if any, which reference the listed persons and entities. In the alternative, if an inspection is necessary, such inspection likely would be permitted under the supervision of an IT professional and limited to the subject matter of the subpoenas. While laptops may be produced within 100 miles, desktop computers (if any) would have to be examined on site. If you work with us, production can be accomplished without the need for court intervention. Simply re-serving the subpoenas, however, certainly would result in an application for a protective order.

Thank you for your anticipated cooperation.

Sincerely,



Martin P. Russo

HA720470000MPR0210.WPD

ATTACHMENT 4



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

September 1, 2004

Via Facsimile: (914) 285-9855

Followed by U.S. Mail

Mr. Martin P. Russo

Kurzman, Eisenberg, Corbin, Lever & Goodman, LLP

One North Broadway

White Plains, NY 10601

**Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)
Subpoenas Duces Tecum to Vernice Woltz and Walter Hannen Dated 8/20/04**

Dear Mr. Russo:

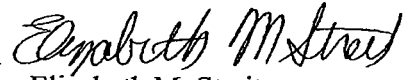
I am in receipt of your letter dated August 31 concerning the above-referenced subpoenas. With one exception, we will accept hard copy versions of documents concerning the persons and entities referenced in the subpoenas if the recipients of the subpoenas will retrieve any documents that exist in electronic form, in addition to documents that exist in hard copy form, and indicate in writing that they have conducted a reasonable search of their electronic files and are producing documents responsive to the subpoena. The one exception to our acceptance of hard copies is the computer backup tape of the information on J. Vernon Abernethy's computer. As I told you in our recent phone conversation, Mr. Abernethy has informed me that he backed up his computer shortly after being informed of this lawsuit and gave the computer backup tape to Walter Hannen. He also told me that he has asked repeatedly for it back and Hannen told him that he gave it to Vernice Woltz, who took it to the Bahamas. It has yet to be returned. This computer backup tape is subject to the Court's Statutory Restraining Order and the Consent Order of Preliminary Injunction Against J. Vernon Abernethy. Both orders prohibit the concealment, alteration or disposal of the property of any of the Defendants or their agents (and before the amendment of the Complaint, Mr. Abernethy was certainly an agent of Tech Traders) by the Defendants or any third parties or the refusal to permit the Commission access to the Defendants' books and records. Thus, under the Orders as well as the subpoenas, this computer backup tape should be turned over to me immediately. Copies of these orders are attached.

As to the documents other than the computer backup tape, I will extend the return date on the subpoena to September 15 if you will agree to send the documents to our office here in Chicago. Otherwise, I will make arrangements for their immediate production at the U.S. Attorney's office in Charlotte. As for the computer backup tape, it does not belong to either Mr. Hannon or Ms. Woltz and it should be sent to me immediately.

ATTACHMENT 4

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth M. Streit".

Elizabeth M. Streit
Lead Trial Attorney

ATTACHMENT 5



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

September 8, 2004

Via Facsimile: (914) 285-9855

Followed by U.S. Mail

Mr. Martin P. Russo

Kurzman, Eisenberg, Corbin, Lever & Goodman, LLP

One North Broadway

White Plains, NY 10601

**Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)
Subpoenas Duces Tecum to Vernice Woltz and Walter Hannen Dated 8/20/04**

Dear Mr. Russo:

I write with respect to my letter of a week ago (September 1) in which I addressed two issues: 1) production of Defendant J. Vernon Abernethy's backup computer tape and 2) production of documents concerning the persons and entities referenced in the subpoenas to Ms. Woltz and Mr. Hannen. Surprisingly, I have received no response. This is particularly disturbing with respect to the computer backup tape, as it is the Commission's position that Mr. Hannen or Ms. Woltz are in violation of the Court's Statutory Restraining Order and the Consent Order of Preliminary Injunction Against J. Vernon Abernethy (both of which were sent to you with my previous letter) if they are retaining it. It does not belong to Ms. Woltz or Mr. Hannen. As I also stated in that letter, both orders prohibit the concealment, alteration or disposal of the property of any of the Defendants or their agents (and before the amendment of the Complaint, Mr. Abernethy was certainly an agent of Tech Traders) by the Defendants or any third parties or the refusal to permit the Commission access to the Defendants' books and records. Thus, I would have expected that you would have immediately sent me the tape or responded to Mr. Abernethy's assertion that Mr. Hannen or Ms. Woltz have the tape and have refused to return it.

With respect to production of documents, if the reason you are not responding is because of the alleged technical deficiencies with service of the subpoenas that the Commission sent via certified mail and Federal Express to Ms. Woltz, Mr. Hannen and, as a courtesy, you, I will reissue them, using process servers, at taxpayer expense, to require production at the U.S. Attorney's office. These additional steps will only add unnecessary delay to this case as the U.S. Attorney's office will need to send the production to me. I expect that Ms. Woltz and Mr. Hannen will then promptly comply with the subpoenas if, as your *ex parte* August 17, 2004 letter

Letter to Martin P. Russo
September 8, 2004
Page 2

to Judge Kugler asserts, it is true that “[s]ince early April, [your] client has done nothing but cooperate with the CFTC and the Receiver.”

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth M. Streit".

Elizabeth M. Streit
Lead Trial Attorney

cc: Scott R. Williamson

ATTACHMENT 6



COMMODITY FUTURES TRADING COMMISSION
525 West Monroe Street, Suite 1100, Chicago, IL 60661
TEL. 312-596-0700
FAX. 312-596-0714

DIVISION of
ENFORCEMENT

September 9, 2004

Via Process Server
Mr. Walter Hannen
4762 Trails End Road
Denver, NC 28037

**Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)
Subpoena Duces Tecum dated 9/9/04**

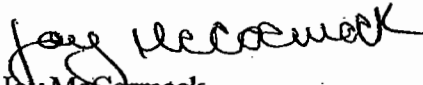
Dear Mr. Hannen:

Enclosed please find a second judicial subpoena calling for the production of the computer back-up tape you obtained from Jack Vernon Abernethy and other documents related to any of the names identified in the attached subpoena. The subpoena makes clear that, except for the computer back-up tape, the Commodity Futures Trading Commission will accept hard copies of any documents existing in electronic form. documents related to any of the names identified in the attached subpoena.

The production must be accompanied by a sworn affidavit authenticating the materials and certifying that the production is complete. For your convenience, we have attached an affidavit form for your use. If the affidavit is incomplete, or additional information is needed, you may be required to appear and testify.

If you have any questions please call me at (312) 596-0527 or Lead Trial Attorney, Elizabeth Streit at (312) 596-0537.

Sincerely,


Joy McCormack
Investigator

Enclosure: Subpoena with Attachment

cc: Elizabeth Streit, Lead Trial Attorney ✓
Martin P. Russo, Esq.

ATTACHMENT 6

Issued by the
United States District Court
FOR THE
WESTERN DISTRICT OF NORTH CAROLINA

**COMMODITY FUTURES
TRADING COMMISSION**

Plaintiff,

VS

**EQUITY FINANCIAL GROUP, LLC
TECH TRADERS, INC.
VINCENT J. FIRTH, and
ROBERT W. SHIMER
Defendants.**

JUDGE ROBERT B. KUGLER
CASE NUMBER:
1:04CV-01512-RBK-AMD
(Currently pending the District of New Jersey)

TO: Mr. Walter Hannen
4762 Trails End Road
Denver, NC 28037

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM:
	DATE AND TIME:

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **SEE "SCHEDULE A" ATTACHED HERETO**

PLACE U.S. Attorney's Office - WDNC Suite 1700, Carillon Building 227 West Trade Street Charlotte, NC 28202	DATE AND TIME September 23 2004, 10:00 a.m.
--	---

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Elizabeth M. Streit
Attorney for Plaintiff

Date: 9/9/04

Issuing Officer's Name, Address, and Phone Number

Elizabeth Streit, Lead Trial Attorney
Commodity Futures Trading Commission
525 West Monroe Street, Suite 1100
Chicago, IL 60661
(312) 596-0537

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

SERVED: **Walter Hannen**

DATE:

PLACE: **4762 Trails End Road, Denver, NC 28037**

SERVED ON (PRINT NAME): **WALTER HANNEN**

MANNER OF SERVICE: **Via Process Server**

SERVED BY (PRINT NAME):

TITLE:

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents 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 demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Attachment A to Subpoena
Issued to Walter Hannen on September 9, 2004

Definitions and Instructions

A. The term "document" shall include, but not be limited to, any memorialization, whether in writing, in any mechanical or tape recording, or in a computer memory.

Documents to Be Produced

1. The computer back-up tape obtained from Jack Vernon Abernethy
2. For the listed individuals and entities:

Abernethy, Jack Vernon
Tech Traders, Inc.
Tech Traders, Ltd.
Magnum Investments
Magnum Capital Investments
Murray, Coyt E.
Murray, Coyt A.
Shimer, Robert
Firth, Vincent
Teague, Elaine

Any and all documents referencing, relating to or involving any of the names listed above including, but not limited to, correspondence, faxes, email, memoranda, invoices, statements, agreements, contracts, promotional materials, notes, and records evidencing transfers of money. Documents existing in electronic format may be produced in hard copy.

3. Any and all documents identifying beneficial interests in any funds invested, directly or indirectly by Sterling ACS, Ltd, Sterling Casualty & Insurance, Ltd., Sterling (Anguilla) Trust, Ltd. and/or Sterling Investment Management, Ltd, with Tech Traders, Inc., Tech Traders, Ltd. Magnum Investments, Magnum Capital Investments, New Century Trading, LLC or Shasta Capital Associates, LLC or in any accounts managed by any of these entities Documents existing in electronic format may be produced in hard copy.

RECORDS AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared _____
who, being by me duly sworn, deposed as follows:

My name is _____, I am over 21 years of age, of sound mind,
capable of making this affidavit, and personally acquainted with the facts herein stated.

Attached hereto is/are (_____) page(s) of records from my files. These records were
kept by me in the regular course of business; and, the memorandum or record was made at or
near the time of the act, event or condition recorded or reasonably soon thereafter. I certify that
the record(s) attached hereto is/are exact duplicates of the originals.

_____, Affiant

SWORN TO AND SUBSCRIBED before me this ___ day of _____, 2004.

Notary Public, State of North Carolina

ATTACHMENT 7



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

September 9, 2004

VIA PROCESS SERVER

Ms. Vernice Woltz
354 Burton Road
PO Box 406
Advance, NC 27006

**Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)
Subpoena Duces Tecum dated 9/9/04**

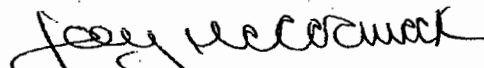
Dear Ms. Woltz:

Enclosed please find a second judicial subpoena calling for the production of the computer back-up tape you obtained from Jack Vernon Abernethy and other documents related to any of the names identified in the attached subpoena. The subpoena makes clear that, except for the computer back-up tape, the Commodity Futures Trading Commission will accept hard copies of any documents existing in electronic form.

The production must be accompanied by a sworn affidavit authenticating the materials and certifying that the production is complete. For your convenience, we have attached an affidavit form for your use. If the affidavit is incomplete, or additional information is needed, you may be required to appear and testify.

If you have any questions please call me at (312) 596-0527 or Lead Trial Attorney, Elizabeth Streit at (312) 596-0537.

Sincerely,


Joy McCormack
Investigator

Enclosure: Subpoena with Attachment

cc: Elizabeth Streit, Lead Trial Attorney ✓
Martin P. Russo, Esq.

ATTACHMENT 7

Issued by the
United States District Court
FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA

**COMMODITY FUTURES
TRADING COMMISSION**

Plaintiff,

VS

**EQUITY FINANCIAL GROUP, LLC
TECH TRADERS, INC.
VINCENT J. FIRTH, and
ROBERT W. SHIMER
Defendants.**

JUDGE ROBERT B. KUGLER
CASE NUMBER:
1:04CV-01512-RBK-AMD
(Currently pending the District of New Jersey)

TO: Ms. Vernice Woltz
354 Burton Road
PO Box 406
Advance, NC 27006

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM:
	DATE AND TIME:

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): SEE "SCHEDULE A" ATTACHED HERETO

PLACE U.S. Attorney's Office - WDNC Suite 1700, Carillon Building 227 West Trade Street Charlotte, NC 28202	DATE AND TIME September 23, 2004, 10:00 a.m.
--	--

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Elizabeth M Streit
Attorney for Plaintiff

Date: 9/9/04

Issuing Officer's Name, Address, and Phone Number

Elizabeth Streit, Lead Trial Attorney
Commodity Futures Trading Commission
525 West Monroe Street, Suite 1100
Chicago, IL 60661
(312) 596-0537

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

SERVED: Vernice Woltz

DATE:

PLACE: 354 Burton Road, Advance, NC 27006

SERVED ON (PRINT NAME): VERNICE WOLTZ

MANNER OF SERVICE: Process Server

SERVED BY (PRINT NAME):

TITLE:

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents 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 demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Attachment A to Subpoena
Issued to Vernice Woltz on September 9, 2004

Definitions and Instructions

A. The term "document" shall include, but not be limited to, any memorialization, whether in writing, in any mechanical or tape recording, or in a computer memory.

Documents to Be Produced

1. The computer back-up tape obtained from Jack Vernon Abernethy
2. For the listed individuals and entities:

Abernethy, Jack Vernon
Tech Traders, Inc.
Tech Traders, Ltd.
Magnum Investments
Magnum Capital Investments
Murray, Coyt E.
Murray, Coyt A.
Shimer, Robert
Firth, Vincent
Teague, Elaine

Any and all documents referencing, relating to or involving any of the names listed above including, but not limited to, correspondence, faxes, email, memoranda, invoices, statements, agreements, contracts, promotional materials, notes, and records evidencing transfers of money. Documents existing in electronic format may be produced in hard copy.

3. Any and all documents identifying beneficial interests in any funds invested, directly or indirectly by Sterling ACS, Ltd, Sterling Casualty & Insurance, Ltd., Sterling (Anguilla) Trust, Ltd. and/or Sterling Investment Management, Ltd, with Tech Traders, Inc., Tech Traders, Ltd. Magnum Investments, Magnum Capital Investments, New Century Trading, LLC or Shasta Capital Associates, LLC or in any accounts managed by any of these entities Documents existing in electronic format may be produced in hard copy.

RECORDS AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared _____
who, being by me duly sworn, deposed as follows:

My name is _____, I am over 21 years of age, of sound mind,
capable of making this affidavit, and personally acquainted with the facts herein stated.

Attached hereto is/are (_____) page(s) of records from my files. These records were
kept by me in the regular course of business; and, the memorandum or record was made at or
near the time of the act, event or condition recorded or reasonably soon thereafter. I certify that
the record(s) attached hereto is/are exact duplicates of the originals.

_____, Affiant

SWORN TO AND SUBSCRIBED before me this ___ day of _____, 2004.

Notary Public, State of North Carolina

ATTACHMENT 8



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

September 15, 2004

Via Facsimile: (914) 285-9855

Followed by U.S. Mail

Mr. Martin P. Russo

Kurzman, Eisenberg, Corbin, Lever & Goodman, LLP

One North Broadway

White Plains, NY 10601

**Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)
Subpoenas Duces Tecum to Vernice Woltz and Walter Hannen Dated 9/9/04**

Dear Mr. Russo:

Our process server was unable to serve Vernice Woltz today. Howell Woltz told her that Vernice Woltz is out of the country for three weeks. As you know, we are most concerned with getting that backup tape that belongs to J. Vernon Abernethy, although we of course want the other documents covered by our subpoenas. From my conversations with you, I know the Woltz's are aware of what the Commission has subpoenaed. Therefore, please let me know as soon as possible whether you will accept service of the September 9 subpoenas on Ms. Woltz and Mr. Hannen. If we need to keep spending time and money attempting personal services of these subpoenas, it is going to unnecessarily delay this case

Sincerely,

Elizabeth M. Streit

Lead Trial Attorney

cc: Scott R. Williamson

ATTACHMENT 8

ATTACHMENT 9

COMMODITY FUTURES

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	JOB#	STATUS
23	09/17 16:34	919142859855	EC-S	00'14"	002	077	OK



U.S. COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street
 Suite 1100
 Chicago, Illinois 60681
 Telephone: (312) 596-0700

Facsimile

To:	Martin P. Russo Kurzman Eisenberg Corbin Lever & Goodman, LLP	From:	Elizabeth Streit Lead Trial Attorney
Fax:	914-285-9855	Phone:	312-596-0537
Phone:		Pages:	2 (Including Cover)
Re:	U.S.CFTC v. Equity Financial Group, et al	Date:	September 17, 2004

Urgent For Review Please Comment Please Reply

Comments:



U.S. COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street
Suite 1100
Chicago, Illinois 60661
Telephone: (312) 596-0700

Facsimile

To:	Martin P. Russo Kurzman Eisenberg Corbin Lever & Goodman, LLP	From:	Elizabeth Streit Lead Trial Attorney
Fax:	914-285-9855	Phone:	312-596-0537
Phone:		Pages:	2 (Including Cover)
Re:	U.S.CFTC v. Equity Financial Group, et al	Date:	September 17, 2004

Urgent For Review Please Comment Please Reply

Comments:



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

September 15, 2004

Via Facsimile: (914) 285-9855

Followed by U.S. Mail

Mr. Martin P. Russo

Kurzman, Eisenberg, Corbin, Lever & Goodman, LLP

One North Broadway

White Plains, NY 10601

**Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)
Subpoenas Duces Tecum to Vernice Woltz and Walter Hannen Dated 9/9/04**

Dear Mr. Russo:

I have not received a response from you to my letter of September 15 concerning whether you will accept service of the September 9 subpoenas on Vernice Woltz and Walter Hannen. Please let me know as soon as possible if I have to keep sending out process servers although you and your clients are well aware of our requests for documents. In that regard, I have the further descriptive information you requested on the backup tape that Walter Hannen took from defendant J. Vernon Abernethy. The tape is described as a "Colorado tape backup." It was probably manufactured by "Travan Technologies." It is referred to as an "hptravan 20GB data cartridge C4435A. It is 9 centimeters wide, 1 1/2 centimeters deep and 7 centimeters long. The width tapers to 8 centimeters at the taping head. There is a red shift-tab that allows for "locking" or "unlocking." I trust this very detailed description to sufficient to enable your clients to locate the tape. Please let me know when I can expect to receive it.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth M. Streit".

Elizabeth M. Streit

Lead Trial Attorney

cc: Scott R. Williamson

ATTACHMENT 10

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

ATTORNEYS AT LAW

ONE NORTH BROADWAY
WHITE PLAINS, NEW YORK 10601

TEL: (914) 285-9800
FAX: (914) 285-9855

MARTIN P. RUSSO, P.C.
Partner
mrusso@kelaw.com

675 THIRD AVENUE 18TH FLOOR
NEW YORK, NY 10017
(212) 661-2150

OTHER LOCATIONS:
FORT LAUDERDALE, FLORIDA
LONDON, ENGLAND
GENEVA, SWITZERLAND

September 29, 2004

By FedEx

Elizabeth Streit
Lead Trial Attorney
Commodity Futures Trading Commission
525 West Monroe Street, Suite 110
Chicago IL 60661

Re: CFTC v. Equity Financial Group, LLC et al.. Civil Action No. 04-1512 (RBK)

Dear Ms. Streit:

Enclosed please find documents bearing the Bates stamp numbers STERLING 00001 through STERLING 00463 which voluntarily are being produced to assist the CFTC with its investigation. We are informed that the original of these documents belonged to Vernon Abernethy and were copied to a representative of the Sterling Group of Companies after the CFTC filed its lawsuit. Based upon our review, we believe that these documents will, among other things, aid the CFTC in identifying numerous relief defendants (e.g., Quest for Life, F.D., Mike Pruitt, Avenal, Brad R. Ormand Trust, Habitation, Fitz, Dream Venture, Karum Corp., SWS World Concepts; Shadetree, Edgar, Bally, ICC, Snyder, Strickland, A.V., and Jerry Pettus).

I also write to address your request that Venice Woltz and Walter Hannen consent to service of subpoenas in the above-referenced case. When we initially discussed the possibility of accepting service, your subpoena was very different than the one you are now trying to serve. In its current form, the subpoena seeks to compel my clients to produce information and documents in violation of Bahamian and Anguillan law. As I previously have explained to you, the act of producing such information would be the equivalent of a felony under the laws of those foreign jurisdictions (where both my clients work), and are punishable by fines up to \$500,000 and imprisonment for as many

Elizabeth Streit, Esq.
September 29, 2004
Page 2

as 10 years for each violation. My clients can not and do not consent to service under such circumstances. Please note, however, that they would be willing consider consenting to a subpoena that respects the laws of the foreign countries in which they work.

I am informed that my clients have not yet been able to identify the computer back-up tape you seek. While your description was helpful, it apparently could only narrow their search to a large number of tapes. Since it is possible that none of the tapes relate to Vernon Abernathy, further investigation must be made. I understand that my clients are in the process of locating a service that can read the tapes and will further attempt to identify the one you seek. In the interim, it would be helpful if you can provide the label information (i.e., what did Mr. Abernathy allegedly write on the label?). If the tape is identified and it contains matters relating to Tech Traders, it voluntarily will be produced.

Finally, please return the Sterling computer which Mr. Abernathy turned over to the government. You have had more than sufficient time to copy the hard drives and the computer rightfully belongs to Sterling Casualty & Insurance, Ltd. At this time the company is missing numerous corporate records which we believe are stored in electronic form on the computer.

Thank you for your prompt attention.

Sincerely,



Martin P. Russo

Enclosures

cc: Stephen T. Bobo, Esq.
Vernice Woltz (without enclosures)
Walter Hannen (without enclosures)

ATTACHMENT 11



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

October 4, 2004

Via Facsimile: (914) 285-9855

Followed by U.S. Mail

Mr. Martin P. Russo

Kurzman, Eisenberg, Corbin, Lever & Goodman, LLP

One North Broadway

White Plains, NY 10601

**Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)
Subpoenas Duces Tecum to Vernice Woltz and Walter Hannen Dated 9/9/04**

Dear Mr. Russo:

I am in receipt of your letter dated September 29, 2004. If your clients have objections to the subpoena dated September 9, the proper response is to object to the portion of the subpoenas that they find objectionable, not to continue to refuse service of a subpoena they have actual notice of. Your client professes to be cooperating with us in this case, but I have seen little evidence of that to date. If you actually want to expedite the discovery and eventual resolution of this case, I suggest that your clients respond to the subpoena, objecting to those parts of it that they do not believe they have to respond to under the Federal Rules of Civil Procedure. In doing so, please cite the provisions of foreign law that you believe prohibit them from responding to the subpoena.

I have given you quite a detailed description of Vernon Abernethy's backup tape. He did not write anything on the label. Nonetheless, the detailed description is more than adequate to enable location of the tape. Please return it as soon as possible.

The laptop computer held by Mr. Abernethy was only very recently removed. It is at the Chicago Regional Computer Forensics Lab now and will be returned as soon as they have completed their work on it.

Sincerely,

Elizabeth M. Streit
Lead Trial Attorney

cc: Scott R. Williamson

ATTACHMENT 11

ATTACHMENT 12

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

ATTORNEYS AT LAW

ONE NORTH BROADWAY
WHITE PLAINS, NEW YORK 10601TEL: (914) 285-9800
FAX: (914) 285-9855MARTIN P. RUSSO, P.C.
Partner
mrusso@kelaw.com675 THIRD AVENUE 15TH FLOOR
NEW YORK, NY 10017
(212) 661-2150OTHER LOCATIONS:
PORT LAUDERDALE, FLORIDA
LONDON, ENGLAND
GENEVA, SWITZERLAND

October 11, 2004

By Facsimile and U.S. MailElizabeth Streit, Esq.
Lead Trial Attorney
Commodity Futures Trading Commission
525 West Monroe Street, Suite 110
Chicago IL 60661Re: CFTC v. Equity Financial Group, LLC et al., Civil Action No. 04-1512 (RBK)

Dear Ms. Streit:

We received your letter dated October 4, 2004. Unfortunately, it does nothing to advance your espoused "common" goal of returning funds to the victims of Tech Traders' fraud. The Federal Rules of Civil Procedure require that the CFTC (as a party) serve a subpoena before a non-party is required to object. You admit that the CFTC never has served a subpoena on my non-party clients (Ms. Woltz and Mr. Hannen) and, consequently, they have no obligation to respond. Your suggestion that the "proper" practice would be to advise my clients to consent to service of the subpoena with the intention of later filing an objection is rejected inasmuch as it would not be good advice. As you are aware, the subpoena at issue seeks information that only can be provided in violation of foreign laws at the risk of criminal penalties.

When the Sterling Group of Companies (the "Sterling Group") sought to intervene in the above-referenced action, the CFTC opposed the motion and the Court denied it. You have not named any company within the Sterling Group as a defendant. Put simply, you have chosen not to make the Sterling Group a party. If you agree to limit the subpoena to areas that properly are the subject of the above-referenced action, and which would not expose my clients to prosecution by foreign governments, they will consider consenting to service. If not, I suggest you follow your own advice and adhere to the Federal Rules of Civil Procedures.

ATTACHMENT 12

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

Elizabeth Streit, Esq.

October 11, 2004

Page 2

As for my clients' cooperation, your letter fails to mention that last week the Sterling Group voluntarily produced hundreds of pages of documents containing information which might assist the CFTC in identifying relief defendants. Also conspicuously absent from your letter is any reference to the plethora of documents voluntarily provided by the Sterling Group in April of 2004. You should not permit the frustration caused by your lack of facility with the Federal Rules of Civil Procedure to cloud your judgment as to the level of Sterling Group's cooperation - especially since they remain the largest victim of the fraud you claim to be investigating. I suggest you work with us to get the information my clients legally can provide.

Thank you for your anticipated cooperation.

Sincerely,



Martin P. Russo

cc: Stephen T. Bobo, Esq.
Howell Woltz
Warren Faulk, Esq.

11-730470000US1540 WPT

ATTACHMENT 13

Streit, Elizabeth M.

From: [REDACTED]
Sent: Wednesday, October 13, 2004 3:17 PM
To: estreit@cftc.gov
Subject: FW: Woltz's email which I was forwarded

-----Original Message-----

From: [REDACTED]
Sent: Wednesday, October 13, 2004 2:00 PM
To: [REDACTED]
Subject: Woltz's email which I was forwarded

"Dear Friends & Associates,

Please be advised that Vernice and I have listed the farm in North Carolina for sale, and will be moving to Nassau. We planned to do so a few years ago, but the kids "revolted". We're weary of "commuting", and now that they all are off to school except our "little" one, we're going to make the move. We've been approved for permanent residence, and have located a house.

We have some prospects on our property already, and will be deleting our U.S. numbers at that time (probably within a few weeks).

The contact information for our office in Nassau is :

Sterling ACS, Ltd. T. 242.325.7573
Ground Floor, British American House F. 242.325.8030
Marlborough & Navy Lyon Road
Nassau, Bahamas

or P.O. Box CR-56766, Suite #1202

My cell phone is 242.525.0339

E-mail remains the same: hwoltz@sterlinggroup.bs
vwoltz@sterlinggroup.bs

We hope to better serve your needs by being on site in the office.

Best regards,

Howell W. Woltz, TEP"

[REDACTED]
[REDACTED]

10/18/2004

ATTACHMENT 13

EXHIBIT

C

**STRATEGIC INVESTMENT
PORTFOLIO LLC**

9110

RCF 004284

EXHIBIT C

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

COMMODITY FUTURES TRADING COMMISSION Plaintiff,)	
vs.)	Civil Action No. 04cv1512
EQUITY FINANCIAL GROUP LLC, TECH TRADERS, INC., TECH TRADERS, LTD. MAGNUM INVESTMENTS, INC., VINCENT J. FIRTH, ROBERT W. SHIMER, COYT E. MURRAY and J. VERNON ABERNATHY Defendants)	Honorable Robert B. Kugler

**CLAIM FORM FOR INVESTORS
WITH TECH TRADERS**

1. I am over the age of 18 and I am a Director of Strategic Investment Portfolio LLC, a Delaware corporation previously operating in Gastonia, North Carolina which invested funds for commodity trading with Tech Traders, Ltd. or Tech Traders, Inc. ("Tech Traders").
2. Strategic Investment Portfolio LLC received statements from Tech Traders under the account name Strategic Investment Portfolio LLC,. reflecting account number 9110.
3. Strategic Investment Portfolio LLC was aware of Tech Traders through its President, Vernon Abernethy. Mr. Abernethy solicited clients to invest in Tech Traders through Strategic Investment Portfolio LLC.
4. According to the most recent information provided to Strategic Investment Portfolio LLC as of February 29, 2004, I understand that the amount of the account balance shown for Strategic Investment Portfolio LLC's account with Tech Traders was approximately \$203,678. Subsequent to February 29, 2004, wires in the amounts of \$26,000.00 & \$49,000.00 were transferred to Tech Traders .

RCF 004285

5. Strategic Investment Portfolio LLC received information regarding the amount of it's equity with Tech Traders from Vernon Abernethy.

6. On the dates listed, the following amounts were transferred to fund Strategic Investment Portfolio LLC's investment with Tech Traders:

<u>Date</u>	<u>Amount</u>	<u>Source of Funds Used to Invest</u>	<u>Company Making Transfer</u>	<u>Recipient of Transfer</u> Bank of America Tech Traders Inc, FBO
3/25/04	49,000.00	William Raef (\$20,000.00) Susan Raef (\$29,000.00)	Strategic Investment Portfolio LLC	Strategic Investment Portfolio LLC
3/19/04	26,000.00	William Raef (\$18,800.00) Susan Raef (\$7,200.00)	Strategic Investment Portfolio LLC	Strategic Investment Portfolio LLC
2/27/04	160,000.00	Shane Hubbard (\$160,000.00)	Strategic Investment Portfolio LLC	Strategic Investment Portfolio LLC
2/12/04	8,778.00	Luci Johnson (\$8,778.00)	Strategic Investment Portfolio LLC	Strategic Investment Portfolio LLC
1/29/04	20,000.00	Walter Kells (\$20,000.00)	Strategic Investment Portfolio LLC	Strategic Investment Portfolio LLC
12/??/03	14,900.00 (Unable to locate confirmation)	Luci Johnson (\$14,900.00)	Strategic Investment Portfolio LLC	Strategic Investment Portfolio LLC

7. The following distributions of funds were made on account of Strategic Investment Portfolio LLC investment with Tech Traders:

<u>Date</u>	<u>Amount</u>	<u>Source of Payment</u>	<u>Recipient of Transfer</u>
N/A	N/A	N/A	N/A

8. The following persons and or entities have a beneficial interest in Strategic Investment Portfolio LLC's investment with Tech Traders:

Walter Kells	Freeport, Bahamas
Luci Johnson	Raleigh, North Carolina USA
Shane Hubbard	Unknown
William Raef	501 N Harvard Avenue, Arlington Height IL 60005
M. Susan Raef	405 N Wabash Ave, Chicago IL 60611

Because Mr. Vernon Abernethy absconded with the company's computer and has not released all the records concerning the above beneficial owners, complete information will be submitted when it becomes available.

9. I have examined the available books and records of Strategic Investment Portfolio LLC, and affirm that none of the defendants in the above-captioned action are the record owners of any of the funds invested with Tech Traders.

10. I have enclosed with this form copies of all available statements received regarding Strategic Investment Portfolio LLC's investment with Tech Traders.

11. I have also enclosed with this form copies of all checks, wire transfer advices and all other records of transfer in Strategic Investment Portfolio LLC's possession and control relating to the funds deposited in or withdrawn from Tech Traders.

12. Strategic Investment Portfolio LLC previously has provided copies of all other documents in its possession or control which were received, executed or forwarded in connection with Strategic Investment Portfolio LLC's investment with Tech Traders. If you require an additional copy of those documents, one will be provided.

RCF 004287

13. I am aware of the following persons and or entities who also had an investment with Tech Traders: Sterling ACS Ltd., Aquarius Holdings International Ltd., Security Funding Ltd., Magnolia Holdings Ltd., Sterling Trust (Anguilla) Ltd., Sterling Investment Management Ltd., Sterling Bank Limited, Sterling Alliance Ltd., Sterling Casualty & Insurance Ltd.

I aver and affirm that the above information is true and correct under penalty of perjury.


Signature

Name: Mr. Howell W. Woltz, Director

Address: 255 Woltz Lane

Advance, NC 27006

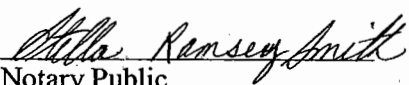
State: South Carolina

Daytime Phone: (336) 817-6879

County: Davie

Subscribed to before me
this 23 day of Sept., 2004

Email Address: hwoltz@yadtel.net


Notary Public
July 26, 2005

RCF 004288

EXHIBIT

D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Commodity Futures Trading) Civil Action No.
Commission,)
) 04 CV 1512
Plaintiff,)
)
v.)
)
EQUITY FINANCIAL GROUP LLC,)
TECH TRADERS, INC., VINCENT)
J. FIRTH, and ROBERT W.)
SHIMER,)
)
Defendants.)
_____)

9:13 A.M.
December 10, 2004
Charlotte, North Carolina

FEDERAL RULE 30 DEPOSITION

OF

HOWELL W. WOLTZ



ORIGINAL

Adams & Holt, inc.
VERBATIM COURT REPORTING SERVICES

401 Rensselaer Avenue / Charlotte, NC 28203 / (704) 334-4602 / 800-435-0419

EXHIBIT D

1 Trading Commission all the documents that are asked
2 for in the subpoena at an earlier time?

3 A. We'll assume that giving it to the receiver, who said
4 he would copy you, would comply with that because we
5 provided it all to the receiver within days of this
6 beginning, everything that we had at that time and
7 have since submitted everything subsequent to that.

8 Q. So you submitted any documents that are responsive to
9 the subpoena to the receiver in this case?

10 A. Receiver or directly to you.

11 Q. Or directly to the CFTC?

12 A. I believe that's correct, to the best of my knowledge
13 anyway.

14 MR. RUSSO: The one exception is there is
15 a tape that we're having copied, and
16 there's some trouble with that. I can
17 discuss it with you, which is,
18 apparently it's a TRAVON TR-5 tape, and
19 depending on what software was used to
20 save it, you need to figure out what
21 software was used to save it in order
22 to reverse engineer it and decompress
23 it, I guess. This is my lay
24 description of how it works. So we
25 sent that tape off to San Diego to get

1 decompressed and copied so that we can
2 read it and produce it to you. So
3 that's --

4 MS. STREIT: And the tape you're referring
5 to is the back-up tape we requested to
6 a subpoena to another individual's --

7 MR. RUSSO: We would not be producing it
8 pursuant to any subpoena. We'd be
9 producing it voluntarily because the
10 subpoena was never properly served, but
11 that's not to say that we're not going
12 to cooperate and produce it, and I
13 promised it to you.

14 MS. STREIT: Right. I just wanted to
15 clarify for the record what we we're
16 talking about. It was a back-up tape
17 made from Vernon Abernethy's computer
18 that he had in his home; right?

19 MR. RUSSO: That's what Mr. Abernethy
20 says. I still haven't seen it. So I
21 can't verify that.

22 Q. Mr. Woltz, what is your date of birth?

23 A. 11-8-53.

24 Q. And your social security number?

25 A. 242-76-4666.

1 Q. Let's talk about the Sterling entities. You talked
2 already a little bit now about Sterling ACS Limited;
3 right?

4 A. Yes.

5 Q. You're the managing director?

6 A. Yes.

7 Q. What does Sterling ACS do?

8 A. It incorporates companies.

9 Q. Is it a financial and corporate service provider?

10 A. Correct.

11 Q. And what kind of companies does it incorporate?

12 A. Bahamian, Anguillan, St. Lucia. I mean, we can work
13 through other brokers and incorporate anywhere a
14 client wishes, but we're licensed to operate in those
15 three areas.

16 Q. Do these companies have certain kinds of businesses,
17 or they could be any kind?

18 A. It's just like a law firm or incorporating agents in
19 the states here. They just set up the companies.

20 Q. Okay. And who is on -- is there a board of directors
21 for Sterling ACS?

22 A. Yes, there is.

23 Q. Who is on the board?

24 A. Myself, Vernice Woltz.

25 Q. Identify who she is, please.

1 A. My wife, and our CFO.

2 Q. The CFO of Sterling ACS?

3 A. Correct.

4 Q. Who else is on the board?

5 A. Deematee Surujlal.

6 Q. Could you spell it for the court reporter.

7 A. D-e-e-m-a-t-e-e, S-u-r-u-j-l-a-l.

8 Q. Anybody else on the board of Sterling ACS?

9 A. Fertina Turnquest, T-u-r-n-q-u-e-s-t.

10 Q. Anybody else?

11 A. We -- not at this point that I can think of. We're
12 hoping to add someone soon, but we haven't added them
13 yet.

14 Q. Is there someone on the board who's no longer on the
15 board?

16 A. Not that I recall.

17 Q. Do you own stock in Sterling ACS?

18 A. Yes, I do.

19 Q. How much?

20 A. I own, I believe it's 30 percent.

21 Q. Are there officers?

22 A. Yes.

23 Q. Who are the officers?

24 A. I'm the president, and Ms. Woltz is the treasurer.

25 I'm really not positive about this, but I think that

1 Q. And who set up Sterling Trust Anguilla?

2 A. Mr. Joseph Brice actually worked on the application
3 process with the regulators there, along with myself
4 and an attorney, Mr. Hiram Martin, involved in the
5 creation, and Mrs. Nazarene AlHaque.

6 Q. Could you spell that for the record.

7 A. Nazarene. AlHaque is A-l, and then capital
8 H-a-q-u-e, who is an attorney. John Lawrence is the
9 regulators there who worked very closely with us.
10 Carlisle Rogers, the deputy.

11 Q. Okay. I don't need to know who the regulators were,
12 just the people on the Sterling side. What -- do you
13 draw a salary from Sterling Trust?

14 A. No, I do not.

15 Q. Are you one of the board of -- is there a board of
16 directors?

17 A. There is.

18 Q. Who is on the board of directors?

19 A. Mr. Brice, myself, Vernice Woltz, and Lewis
20 Borsellino was recently added.

21 Q. Who is Lewis Borsellino?

22 A. He is a gentleman from Chicago, Illinois that was a
23 commodities and futures traders for many years. Now
24 he's in the rest home management business.

25 Q. He's not involved in commodity futures trading

1 anyomore?

2 A. Not to my knowledge. He doesn't do anything for us.

3 Q. Were there people on the board there of Sterling
4 Trust that are no longer --

5 A. I'm sorry. Mr. Hiram Martin is on the board, as
6 well.

7 Q. He's on the board currently?

8 A. Yes.

9 Q. Were there people that were on the board of directors
10 of Sterling Trust that are no longer on the board?

11 A. Not that I can recall.

12 Q. Are there officers of Sterling Trust Anguilla?

13 A. Yes.

14 Q. And who are the officers?

15 A. I am the president currently, and Mr. Brice is the
16 vice-president. Mrs. Woltz is the treasurer. I
17 don't recall any other positions off the top of my
18 head. And, no, Mrs. Turnquest is the assistant
19 secretary. She's not a board member.

20 Q. Are there employees of Sterling Trust?

21 A. At this time, we have one.

22 Q. Who is that?

23 A. Alex Richardson.

24 Q. He is being paid a salary?

25 A. He is not currently. So he's out voluntarily. He's

1 an attorney.

2 Q. Where is Mr. Richardson located?

3 A. He's in the valley in Anguilla, British West Indies.

4 Q. Where are the employees -- people drawing a salary
5 from Sterling ACS, Ms. Surujlaal and Mr. Storr, was
6 it, and Ms. Turnquest, were they the three receiving
7 salaries?

8 A. They are.

9 Q. Where are they located?

10 A. Mr. Storr is a Bahamian citizen. I think he's lived
11 there all his life. Mrs. Surujlal is Trinidadian but
12 has permanent residency in the Bahamas, and
13 Mrs. Turnquest is Bahamian and has always lived
14 there, to the best of my knowledge.

15 Q. Do you own stock in Sterling Trust Anguilla?

16 A. Yes, I do.

17 Q. How much? What percentage?

18 A. I have -- let's see. The last we voted -- I think my
19 voting percent is 9 percent I think is the number.

20 Q. Has that changed over time?

21 A. It was to be more in the beginning, but I have -- I
22 think I could still buy more treasury shares, but I
23 have not been able to do so.

24 Q. Does anybody else own stock in Sterling Trust
25 Anguilla?

- 1 A. Yes. Mr. Brice is the major shareholder.
- 2 Q. How much does he own?
- 3 A. I don't remember.
- 4 Q. Do you have a percentage ballpark number?
- 5 A. I really don't remember.
- 6 Q. You just know it's a majority?
- 7 A. I know it's more than myself.
- 8 Q. Okay. Anybody else own shares?
- 9 A. Mrs. Woltz is also a shareholder.
- 10 Q. Do you know how much she owns?
- 11 A. The same as I.
- 12 Q. 9 percent?
- 13 A. Yes. Mr. Martin is a shareholder, and Mr. Borsellino
- 14 has been approved as a shareholder. I don't know
- 15 whether they have received his capital or not.
- 16 Q. Okay. How much money did you put into Sterling
- 17 Trust?
- 18 A. The fees to get everything started were, I think,
- 19 around \$27,000, \$28,000. I'm not sure of the exact
- 20 amount. The start-up cost and the capital
- 21 requirement was \$250,000.
- 22 Q. The capital requirement for the entity as a whole;
- 23 right?
- 24 A. Correct.
- 25 Q. Did anybody else contribute capital to Sterling

1 exchange control department approves foreign
2 ownership, they are very, very reluctant to do that
3 because they are very sensitive. Being a small
4 nation of only 370,000 people, they don't want
5 foreigners coming in and taking over their critical
6 industries and financial organizations and things of
7 that nature. So we paid the money and were loaned
8 shares with the application made to the Exchange
9 Control. That process dragged on for 2-1/2 years,
10 and approval was never given by the Exchange Control
11 Department. So when situations hit that hurt our
12 cash flow, we just asked for the capital back and
13 forewent our possible position.

14 Q. Now, is Julian Brown the president of benchmark?

15 A. Yes, he is. To the best of my knowledge, he is.

16 Q. What is his role?

17 A. President.

18 Q. What does he do as president?

19 A. I don't know. You need to ask him that.

20 Q. Where does he live?

21 A. In the Bahamas.

22 Q. You said you were part owner of Sterling Alliance.

23 Who else owns it?

24 A. Vernice Woltz.

25 Q. Anybody else?

1 Q. Okay. And this is around sometime in October,
2 September of 2002?

3 A. Best I recall, it was either when Mr. Abernethy was
4 there on his due diligence whatever trip, if that's
5 what he was really coming for, after the meeting, and
6 I don't think it was long after, within a day or two.

7 Q. What parts of this did you draft?

8 A. As far as the typing went, I probably did all of that
9 based on whatever they had agreed upon or decided.

10 Q. So you -- based on notes you had taken at the
11 meeting?

12 A. Yes.

13 Q. All right.

14 A. And those spreadsheets.

15 Q. Now, there were some investors that invested in Tech
16 Traders through Strategic Investment Portfolio;
17 right?

18 A. They were corporate, to my recollection. I don't
19 remember any individuals.

20 Q. And there was a bank account for Strategic Investment
21 Portfolio?

22 A. I don't know of that if there were.

23 Q. Well, there's a bank account at BBT in the name of
24 Strategic Investment Portfolio.

25 A. You said management, Sterling Investment Management,

1 and I'm not aware of there ever being such a bank
2 account. We already discussed that. Yes,
3 Mr. Abernethy maintained the books on that.

4 Q. And there were some -- there were people that
5 invested money, and that money went into Strategic
6 Investment Portfolio and then from there with Tech
7 Traders?

8 A. I'm not now aware that's the case.

9 Q. When did you become aware of that?

10 A. When we saw statements and transfers and things of
11 that nature.

12 Q. You say, "we." Who are you referring to?

13 A. The board of Sterling Casualty Investment. That's
14 when we found out what had been done with the money
15 there, which we had to get back from Mr. Abernethy,
16 and then he also had all the information on Strategic
17 Portfolio. So I only got all of those records weeks
18 ago, the day that, you know, I went to his home to
19 try to retrieve those.

20 Q. So you didn't have any knowledge of people investing
21 in Strategic Investment Portfolio before then?

22 A. There were names there I had never heard of before.

23 Q. Do you recall what any of those names were?

24 A. Yes. I saw them last night. One person I do know
25 was Dr. Susan Raef in Chicago, and her parents, I

1 assume they were Raef, also, and I had introduced her
2 to Mr. Abernethy in Chicago when we were all on an
3 insurance trip. I had no idea he solicited her until
4 I got a call from her saying, "I'm sending this
5 money."

6 Then there was a Mr. Hubbard, whom I've
7 never met. I don't know who he is, who put a
8 significant amount of money with Mr. Abernethy as
9 well. There was something I read last night, Luci
10 Johnson, I believe went into that, as well.

11 Q. Did you know Luci Johnson?

12 A. Yes. I met her through Mr. Abernethy. That's one of
13 his clients.

14 Q. You didn't know her before that?

15 A. Never.

16 Q. You said Dr. Susan Raef called you and told you that
17 she was sending money?

18 A. She -- yes. She called and said, "Are you sure this
19 investment with Vernon is okay," and I've known her a
20 long time. We used to work together years ago. I
21 said, "Well, I was unaware you were doing this." She
22 said, "Well, Vernon says it's a great deal." I said,
23 "Look, it's your parents' money. I have a lot of
24 confidence in the program," which at that time we
25 did. We thought this was the greatest thing on

1 earth. Monthly corroboration of that, we were
2 relying on. So I even offered, I said, "If it's your
3 parents' money, I will guarantee that you will get
4 whatever your return is personally." I think I put
5 that in writing. I can't recall, but it doesn't
6 matter. I've got to live with it regardless.

7 Q. So are you planning on paying her back?

8 A. Absolutely.

9 Q. Do you know anything about her background?

10 A. Yes. She is in marketing and was in insurance when I
11 worked with her, and with AON in a division where we
12 would go in and take the high risk activities of
13 companies that were causing the workman's comp claims
14 and then modify behavior and go over training
15 programs. She also was the editor for the American
16 Medical Association Journal for many, many years.

17 Q. Is she a doctor?

18 A. I've called her that so long, I'm really not sure.
19 She works with doctors in AMA and everything else.

20 Q. What kind of return did you guarantee to her?

21 A. I don't recall. Whatever Vernon had worked out with
22 her.

23 Q. Have you paid her back?

24 A. No, I have not.

25 Q. Do you know what the term "accredited investor"

1 means?

2 A. That would be someone that should pass a CPA's
3 muster, I would think, if he was asking them and
4 soliciting their investment.

5 Q. I'm asking you do you know what that term means?

6 A. Yes, I do.

7 Q. What does it mean?

8 A. In my vernacular, that means someone that would have
9 the sophistication to understand an investment like
10 that, and in my opinion, she would not fall in that
11 category.

12 Q. Do you know that there are certain financial
13 requirements for credit investors? It's not just
14 sophistication; right?

15 A. Here, I'm not sure what they are. I've heard the
16 term because, of course, our investment is abroad.
17 So that's why we would have to leave it up to
18 professionals here. I'm not sure what their exact
19 requirements are in the U.S.

20 Q. Is there a minimum net worth requirement?

21 A. I don't know that, whatever the U.S. laws are, but I
22 did have that conversation with Vernon. I said, "You
23 make sure that you know what you're doing because
24 you're the professional. This is your baby. We're
25 relying on you."

1 Q. And you didn't know -- you said you had never met the
2 Hubbards; right?

3 A. I still have never met the Hubbards.

4 Q. Did you know that they had invested in Strategic
5 Investment Portfolio before they invested?

6 A. No.

7 Q. How about Luci Johnson? Did you know that she was
8 investing in Strategic Investment?

9 A. He did tell me that she was going to do that.

10 Q. Okay. Do you know anything about her financial
11 background?

12 A. I don't. She's -- her husband died a few years ago,
13 and they're a very wealthy Raleigh family. So he
14 probably was okay on that one.

15 (WHEREUPON, the Reporter marked the
16 document referred to as Deposition
17 Exhibit No. 153 for identification.)

18 MS. STREIT: I've marked as Exhibit 153 a
19 multi-page document. The first page is
20 an E-mail from Howell Woltz to Vernon
21 Abernethy, dated September 30, 2002,
22 and it's the "Subject: Plan," and the
23 following pages -- 1 just has a couple
24 squares on it, and Page 48 is a pie
25 chart continuing over to Bates number

1 STATE OF NORTH CAROLINA)
2 COUNTY OF MECKLENBURG) C E R T I F I C A T E

3

4 I, Nancy J. Martin, CSR 9504, Notary Public,
5 do hereby certify that HOWELL W. WOLTZ was duly sworn by me
6 prior to the taking of his deposition; that his said
7 deposition was taken and transcribed by me; and that the
8 foregoing three hundred fifty nine (359) are a true and
9 accurate transcript of the testimony of said HOWELL W.
10 WOLTZ. I further certify that the persons were present as
11 stated.

12 I further certify that I am not of counsel
13 for or in the employment of any of the parties to this
14 action, nor am I interested in the result of the said
15 action.

16 IN WITNESS WHEREOF, I have hereunto
17 subscribed my name, this 16th day of December, 2004.

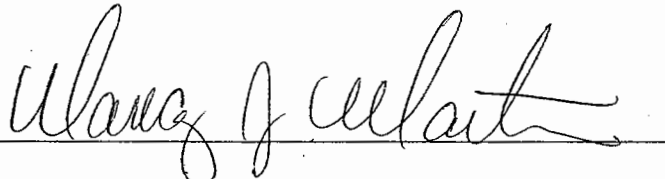
18

19

20

21

22



23 NANCY J. MARTIN, CSR No. 9504
24 Notary Public

25

My Commission Expires: September 13, 2009

EXHIBIT

E

Elizabeth M. Streit, Lead Trial Attorney (ES-2235)
Scott R. Williamson, Deputy Regional Counsel (SW-9752)
Rosemary Hollinger, Regional Counsel (RH-6870)
Commodity Futures Trading Commission
525 West Monroe Street, Suite 1100
Chicago, Illinois 60661
312-596-0537

Paul Blaine (PB-5422)
Assistant United States Attorney
for the District of New Jersey
Camden Federal Building & U.S. Courthouse
401 Market Street, 4th Floor
Camden, NJ 08101
856-757-5412

**In The United States District Court
For The District Of New Jersey
Camden Vicinage**

Commodity Futures Trading Commission,
Plaintiff,

vs.

Equity Financial Group LLC,
Tech Traders, Inc., Tech Traders, Ltd.,
Magnum Investments, Ltd., Magnum
Capital Investments, Ltd. Vincent J. Firth,
Robert W. Shimer, Coyt E. Murray and
J. Vernon Abernethy,
Defendants.

Civil Action No: 04 CV 1512

Hon. Robert B. Kugler
U.S. District Judge

Hon. Ann Marie Donio
Magistrate Judge

**Consent Order of
Preliminary Injunction
Against J. Vernon Abernethy**

On April 1, 2004, Plaintiff, Commodity Futures Trading Commission ("Commission"),
filed a Complaint against Defendants Equity Financial Group, LLC ("Equity"), Tech Traders,

EXHIBIT E

Inc., Vincent J. Firth ("Firth") and Robert W. Shimer ("Shimer") seeking injunctive and other equitable relief for violations of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. §§ 1 et seq. (2002), and the Commission Regulations promulgated thereunder, 17 C.F.R. §§ 1 et seq. (2004). On June 25, 2004, the Commission moved the Court for leave to file a First Amended Complaint against the previously named Defendants and, additionally, against Tech Traders, Ltd., Magnum Investments, Ltd., Magnum Capital Investments, Ltd., Coyt E. Murray ("Murray") and J. Vernon Abernethy ("Abernethy"). This motion was granted on August 10, 2004 and the First Amended Complaint was filed on August 12, 2004.

The First Amended Complaint alleges that Tech Traders, Inc. ("TTI"), Tech Traders, Ltd. ("TTL"), Magnum Investments, Ltd. ("Magnum"), Magnum Capital Investments, Ltd. ("MCI") (which are alleged to be a common enterprise and which are collectively referred to as "Tech Traders" hereinafter) and Murray operated a so-called "super fund" or master pool of one or more commodity pools and that they falsely represented to investors in this "super fund" that Tech Traders enjoyed extraordinary success trading in selected financial futures contracts using a confidential, proprietary "portfolio" trading system.

As to Defendant Abernethy, the First Amended Complaint alleges that Tech Traders and Murray engaged Abernethy as an allegedly independent certified public accountant ("CPA") to provide a monthly and quarterly performance number for the "superfund" based on "reviewed" and "verified" trading results. The First Amended Complaint alleges that Abernethy prepared monthly and quarterly reports showing that Tech Traders enjoyed trading gains from at least June 2001 through February 2004, knowing that the reports would be provided to prospective and actual participants whom Abernethy knew or should have known would rely upon not only the information included, but also the fact that it had been reviewed and verified by an

independent CPA. Moreover, the First Amended Complaint alleges that Abernethy participated in a faulty, agreed-upon procedures engagement, failed to conduct the agreed-upon procedures consistent with professional standards, was not independent, did not review all the trading, did not take any steps to "verify" anything, and reported materially inaccurate performance gains, despite possessing documents that disclosed huge trading losses. He also solicited pool participants for Tech Traders without being registered to do so using the performance results from the reports he prepared. Abernethy knew that these same performance results were featured in solicitations by Tech Traders, Murray, and Equity, a commodity pool operator operated by defendants Firth and Shimer, and used to prepare statements sent to pool participants.

Abernethy, without admitting or denying the allegations of the First Amended Complaint for the purpose of this Consent Order of Preliminary Injunction and Other Ancillary Relief ("Order"), except as to jurisdiction and venue, which he admits, consents to the entry of this Order and states that his consent is entered into voluntarily and that no promise or threat has been made by the Commission or any member, officer, agent or representative thereof, to induce him to consent to this Order.

THE PARTIES AGREE AND THE COURT FINDS THAT:

1. This Court has jurisdiction over the subject matter of this action and all parties hereto pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1 (2002), which authorizes the Commission to seek injunctive relief against any person whenever it shall appear that such person has engaged, is engaging or is about to engage in any act or practice constituting a violation of any provision of the Act or any rule, regulation or order thereunder.

2. Venue properly lies with this Court pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1 (2002), in that the Defendant is found in, inhabits, or transacts business in this district, and the acts and practices in violation of the Act have occurred, are occurring, or are about to occur within this district, among other places.

3. Abernethy waives the entry of findings of facts and conclusions of law for purposes of this Order pursuant to Rule 52 of the Federal Rules of Civil Procedure.

IT IS THEREFORE ORDERED THAT:

1. Defendant Abernethy is restrained, enjoined and prohibited, until further order of the Court, from directly or indirectly:

- A. In the capacity of a commodity trading advisor or commodity pool operator, or associated person of a commodity trading advisor or commodity pool operator, by use of the mails or any means or instrumentality of interstate commerce, employing any device, scheme or artifice to defraud any client or participant or prospective client or participant or engaging in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or participant or prospective client or participant, in violation of Section 4o(1) of the Act, 7 U.S.C. § 6o(1);
- B. Associating with a commodity pool operator, as a partner, officer, employee, consultant, or agent (or acting in a similar status or performing similar functions), in a capacity that involves the solicitation of funds, securities or property for participation in a commodity pool or supervising any person so engaged without the benefit of registration in violation of Section 4k(2) of the Act, 7 U.S.C. § 6k(2);
- C. Engaging in, controlling, directing or accepting funds for the trading for any commodity futures or options accounts for or on behalf of any other person or entity, whether by power of attorney or otherwise;
- D. Entering into any commodity futures or options transactions for his own accounts, for any accounts in which he has a direct or indirect interest and/or having any commodity futures or options traded on his behalf;
- E. Introducing customers to any other person engaged in the business of trading in commodity futures and options; and
- F. Otherwise engaging in any business activities related to commodity futures and options trading that require registration.

2. Defendant Abernethy is further restrained, enjoined and prohibited, until further order of the Court, from directly or indirectly:

- A. Dissipating, withdrawing, transferring, removing, concealing or disposing of cash, cashiers checks, funds, assets or other property of, or within the custody, control or possession of the Defendant, including, but not limited to, all funds, personal property, money or securities held in safes, safety deposit boxes and all funds on deposit in any financial institution, bank or savings and loan account, including funds or property of investors, wherever located, whether held in the name of the Defendant or otherwise;
- B. Denying Commission representatives access to his books and records; and
- C. Destroying, mutilating, concealing, altering or disposing of, in any manner, any of the books and records, documents, correspondence, brochures, manuals, electronically stored data, tape records or other property of the Defendant, wherever located, including all such records concerning Defendant's business operations, until further order of the Court.

3. In connection with the asset freeze imposed in paragraph 2.A. above, until further order of the Court, Abernethy shall: Deposit all income received, including, but not limited to, salaries, bonuses, commissions, payments of any kind and all other funds, into the following accounts:

account name: J. Vernon Abernethy
account number: 5196391500 at BB&T Bank, Gastonia, NC

account name: J. Vernon Abernathy [sic] CPA
account number: 5195048543 at BB&T Bank, Gastonia, NC

account name: J. Vernon Abernethy Special Rental
account number: 5219613247 at BB&T Bank, Gastonia, NC

Abernethy shall be permitted to withdraw a maximum of two thousand five-hundred dollars (\$2,500) each calendar month from among these accounts for ordinary and necessary living expenses, including payment of home mortgage, health insurance, rental mortgages and utilities.

Abernethy shall provide plaintiff's counsel with his monthly account statements for the foregoing accounts within fifteen (15) days of the date of such account statement.

4. Until further order of this Court, Defendant and each firm, corporation, partnership, association or other person or entity which holds or is a depository of his funds, securities, assets or other property of any kind, are prohibited from directly or indirectly transferring, withdrawing, removing or disposing of any such funds, securities, assets or other property. Any firm, corporation, partnership, association or other person or entity which holds or is a depository of his funds, securities, assets or other property of any kind is also required to expeditiously comply with subpoenas or requests for production of documents for accounts in the name of the Defendant.

5. The injunctive provisions of this Order shall be binding on Defendant and upon any person insofar as he or she is acting in the capacity of officer, agent, servant, employee or attorney of Defendant and upon any person who receives actual notice of this Order by personal service, facsimile or otherwise insofar as he or she is acting in active concert or participation with Defendant.

6. Defendant shall prepare, sign and tender to the Commission within thirty (30) days of this Order, an interim accounting and prepare, sign and file with the Court, within sixty (60) days, a complete and accurate accounting for the period of June 1, 2001, to the date of such accounting, which shall be no earlier than the date of this Order. Such accounting shall include, without limitation, the identification of:

- A. All funds, securities, commodity interests, assets and other property currently owned or controlled (legally, equitably or otherwise) directly or indirectly by the Defendant;
- B. All funds, securities, commodity interests, assets and other property received directly or indirectly by the Defendant, describing the source, amount, disposition, and current location of each listed item;
- C. All funds, securities, commodity interests, assets and other property transferred or otherwise disposed of directly or indirectly by the Defendant, whether individually or jointly, describing the source, amount, disposition,

and current location of each listed item, including accounts or assets of the Defendant held by financial institutions located outside the territorial United States and provide the Commission with access to all records of accounts or assets of the Defendant held by financial institutions located outside the territorial United States by signing the Consent to Release of Financial Records attached to the Court's Order;

- D. The name and last known address of each bailor, debtor or other person or entity currently holding any funds, securities, commodity interests, assets or other property owned or controlled (legally, equitably or otherwise) by the Defendant, either individually or jointly; and
- E. All passwords to any electronic records, all codes and keys to information and property of the Defendant.

7. The Defendant agrees to cooperate fully in providing information to the Equity Receiver appointed in this case, Stephen T. Bobo or his agents, including the accounting firm FGМК, LLC, on, among other things, the source, amount, disposition, and current location of all funds, securities, commodity interests, assets and other property transferred or otherwise disposed of directly or indirectly by the Defendant including accounts or assets of the Defendant held by financial institutions located outside the territorial United States.

8. The terms of the Statutory Restraining Order and Order Appointing Receiver entered April 1, 2004, as modified, shall remain in full force and effect until further order of the Court, except that to the extent they are inconsistent with this Consent Order of Preliminary Injunction and Other Ancillary Relief, this order shall control.

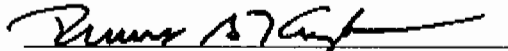
9. Abernethy shall notify the plaintiff within (10) days of any changes of his residential or business addresses pending resolution of this matter.

10. It is further ordered that Joy McCormack and Hugh Rooney, employees of the Commission, are specially appointed to serve this Order and all other papers in this cause. This Order may be served by facsimile transmission or by email with the Order attached as a .pdf file.


11. This Order shall remain in effect until further order of the Court and the Court shall retain jurisdiction over this action to ensure compliance with this Order and for all other purposes related to this action.

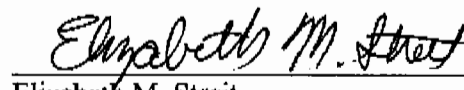
IT IS SO ORDERED

Dated: August 23^d, 2004


Hon. Robert B. Kugler
United States District Court Judge

CONSENTED TO AND APPROVED BY:


J. Vernon Abernethy
413 South Chester Street
Gastonia, N.C. 28052
(704) 865-4553
(704) 616-9494 (cell)


Elizabeth M. Streit
Lead Trial Attorney

Scott R. Williamson
Deputy Regional Counsel

Defendant, pro se

COMMODITY FUTURES TRADING COMMISSION
525 West Monroe, Suite 1100
Chicago, IL 60661
(312) 596-0537 (Streit)
(312) 596-0714 (facsimile)

Dated: 8-18-2004

Attorneys for Plaintiff

EXHIBIT

F



COMMODITY FUTURES TRADING COMMISSION

525 West Monroe Street, Suite 1100, Chicago, IL 60661

TEL. 312-596-0700

FAX. 312-596-0714

DIVISION of
ENFORCEMENT

March 14, 2005

Via Facsimile: (914) 285-9855

Followed by U.S. Mail

Mr. Martin P. Russo

Kurzman, Eisenberg, Corbin, Lever & Goodman, LLP

One North Broadway

White Plains, NY 10601

Re: U.S. CFTC v. Equity Financial Group, et al. Case No. 04-CV-1512 (D.N.J.)

Dear Mr. Russo:

In accordance with Magistrate Donio's order of March 8th, listed below at numbers 1 through 10 are the outstanding information requests the Commission has of the Sterling entities. (The Sterling entities are defined as Sterling Trust Anguilla, Ltd., Sterling Casualty & Insurance Ltd., Sterling Bank Ltd., Sterling Alliance, Ltd., Sterling ACS Ltd., Strategic Investment Portfolio, LLC, Sterling (Bahamas) Portfolio and Sterling Investment Management Ltd.) Numbered items 11 through 47 are questions engendered or documents needed to support the Sterling entities' claims to the receivership estate.

1. The computer back-up tape obtained from Jack Vernon Abernethy. This tape is described as a "Colorado tape backup" "hptravan 20GB data cartridge C4435A". It is approximately 9 centimeters wide, 1 ½ centimeters deep and 7 centimeters long with a width tapers to 8 centimeters at the taping head. There is a red shift-tab that allows for "locking" or "unlocking."
2. Any and all documents referencing, relating to or involving any of the names listed below including, but not limited to, correspondence, faxes, email, memoranda, invoices, statements, agreements, contracts, promotional materials, notes, and records evidencing transfers of money. Documents existing in electronic format may be produced in hard copy for the listed individuals and entities:

Abernethy, Jack Vernon

Tech Traders, Inc.

Tech Traders, Ltd.

Magnum Investments

Magnum Capital Investments

Murray, Coyt E.

Murray, Coyt A.

Shimer, Robert

Firth, Vincent

EXHIBIT F

Equity Financial Group, LLC

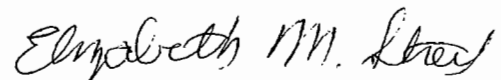
3. Any and all documents evidencing communications with current, prior or prospective investors, lenders and/or customers of Sterling Alliance, Ltd., Sterling Bank, Ltd., Sterling ASC, Ltd., Strategic (Bahamas) Portfolio, Sterling Casualty & Insurance, Ltd., Sterling Investment Management, Inc., Sterling Investment Management, Ltd., Strategic Investment Portfolio, LLC, Sterling Trust, Ltd.; and Sterling Trust (Anguilla), Ltd. whose money was directly or indirectly sent to Man Financial, Tech Traders, Ltd., Tech Traders, Inc., Magnum Investments and/or Magnum Capital Investments.
4. Any and all emails received at or sent (directly or indirectly) to vwoltz@sterlinggroup.bs and/or hwoltz@sterlinggroup.bs and/or any other principal or member of the board of directors of any of the Sterling entities referring or relating to any of the individuals or entities described in Requests No. 2 and/or 3.
5. Any disclosure document, prospectus or operating agreement that sets out the purpose and strategies of any investments made directly or indirectly with any of the entities listed in Request No. 3.
6. For the period of January 2003 to the present, all financial ledgers including balance sheets and statements of income for any of the entities listed in Request No. 3.
7. For the period of January 2003 to the present, copies of all bank and trading statements for all accounts in the names of any of the entities listed in Request No. 3.
8. Any promotional or solicitation literature used by any of the entities listed in Request No. 3.
9. Any and all documents evidencing transfers of money between current, prior or prospective investors, lenders and/or customers of Sterling Alliance, Ltd., Sterling Bank, Ltd., Sterling ASC, Ltd., Strategic (Bahamas) Portfolio, Sterling Casualty & Insurance, Ltd., Sterling Investment Management, Inc., Sterling Investment Management, Ltd., Strategic Investment Portfolio, LLC, Sterling Trust, Ltd.; and Sterling Trust (Anguilla), Ltd. whose money was directly or indirectly sent to Man Financial, Tech Traders, Ltd., Tech Traders, Inc., Magnum Investments and/or Magnum Capital Investments.
10. Documents showing the date of suspension of Sterling Bank, Ltd.
11. Account opening documents for each Sterling claimant who had an account at Alliance Investment Management.
12. For each Sterling claimant, documents such as wire transfer confirmations or copies of cancelled checks evidencing transfers of money into its respective account at Alliance Investment Management.
13. Explain why Sterling claimants made transfers of funds for the benefit of other claimants.
14. Describe the business purpose of having multiple bank accounts for the same Sterling entity.

15. Account opening documents for each Sterling claimant who had an account at Ansbacher Bahamas, Ltd.
16. For each Sterling claimant, documents such as wire transfer confirmations or copies of cancelled checks evidencing transfers of money into its respective account at Ansbacher Bahamas, Ltd..
17. Account opening documents for each Sterling claimant who had an account at Le Masurier James & Chinn, Limited.
18. For each Sterling claimant, documents such as wire transfer confirmations or copies of cancelled checks evidencing transfers of money into its respective account at Le Masurier James & Chinn, Limited.
19. What is 620 Market Street?
20. Why did 620 Market Street transfer \$90,000 to Sterling Bank, Ltd.?
21. What is Intertrust (Anguilla) Ltd.?
22. Who owns Intertrust (Anguilla) Ltd.?
23. Who is on the board of directors for Intertrust (Anguilla) Ltd.?
24. Who has beneficial interests in Intertrust (Anguilla) Ltd.?
25. Why did Intertrust (Anguilla) Ltd. transfer \$25,000 to Sterling Bank, Ltd.?
26. Who is James Webb?
27. Who is Bronson Webb?
28. Who is Philip Webb?
29. Why did James Webb, Bronson Webb and Philip Webb send \$300,000 to Sterling ACS, Ltd.?
30. What is Bright Starr Management?
31. Who owns Bright Starr Management?
32. Who is on the board of directors for Bright Starr Management?
33. Who has beneficial interests in Bright Starr Management?
34. Why did Bright Starr Management transfer \$16,250 to Sterling ACS, Ltd.?
35. What is Enterprise Alliance, Ltd.?

36. Who is on the board of directors for Enterprise Alliance, Ltd.?
37. Who has beneficial interests in Enterprise Alliance, Ltd.?
38. Why did Enterprise Alliance, Ltd. transfer \$2,000 to Sterling ACS, Ltd.?
39. Who is Walter Kells?
40. Why did Walter Kells transfer \$20,000 to Strategic Investment Portfolio?
41. What is Polycomp?
42. What is Ryman Investments?
43. Why did Polycomp transfer \$625,000 to Sterling Bank, Ltd.?
44. What is Mees Pierson Intertrust?
45. For each Sterling claimant, documents such as wire transfer confirmations or copies of cancelled checks evidencing transfers of money into its respective account at Mees Pierson Intertrust.
46. Provide all documentation evidencing an agreement that Man Financial Account Number 37923 was to be used to as collateral for margin on another Tech Traders trading account.
47. Provide all documentation evidencing Man Financial's agreement that Account Number 37923 was to be used in the manner described in #46.

Other documents I requested at Howell Woltz's deposition on December 10th and memorialized in my letter of December 16, 2004 are specific requests that are encompassed in the more general requests set forth at 2 through 9 above. As you will note, requests 2 through 9 are also compelled by subpoena to Vernice Woltz and are due under the subpoena on March 15, 2005.

Sincerely,



Elizabeth M. Streit
Lead Trial Attorney

EXHIBIT

G

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

ATTORNEYS AT LAW

675 THIRD AVENUE, 18TH FLOOR
NEW YORK, NY 10017
(212) 661-2130ONE NORTH BROADWAY
WHITE PLAINS, NEW YORK 10601TEL: (914) 285-9800
FAX: (914) 285-9855**MARTIN P. RUSSO, P.C.**
Partner
mrusso@kelaw.comOTHER LOCATIONS:
FORT LAUDERDALE, FLORIDA
LONDON, ENGLAND
GENEVA, SWITZERLAND

March 21, 2005

By Facsimile (312) 596-0714
and By Federal ExpressElizabeth Streit, Esq.
Lead Trial Attorney
Commodity Futures Trading Commission
525 West Monroe Street, Suite 110
Chicago IL 60661Re: CFTC v. Equity Financial Group, LLC et al., Civil Action No. 04-1512 (RBK)

Dear Ms. Streit:

I write in response to your letter dated March 14, 2005. For your convenience, I will address your requests in the order that they were presented.

1. The Sterling Entities object to your request on the grounds that it is overly broad, seeks information that is proprietary and confidential, seeks information irrelevant to their objection to the interim distribution plan, and seeks information which you already have by virtue of your analysis of the computer itself. As you know, the back-up is of a Sterling computer which did not belong to Mr. Abernethy (and which you have helped him retain). The bulk of the tape contains information which wholly is unrelated to this matter. Subject to and without waiving the foregoing objections, the Sterling Entities will produce hard copies of documents it discovers, if any, which relate to the deposit or withdrawal of funds to or from Tech Traders as well as documents, if any, that may have been used in soliciting such funds. We will not produce additional copies of documents already in your possession.
2. The Sterling Entities object to your request on the grounds that it is overly broad, unduly burdensome, and seeks documents already in your possession. Subject to and without waiving the foregoing objection, the Sterling Entities refer you to the documents initially produced to the Receiver, the documents introduced at the

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

Elizabeth Streit, Esq.

March 21, 2005

Page 2

hearing on the motion to intervene, Vernon Abernethy's work papers produced by the Sterling Entities, the documents used at the deposition of Howell Woltz, the documents the Sterling Entities provided after the deposition of Howell Woltz, the documents located during your review of the stolen Sterling computer, the documents you received in response to subpoenas to BB&T, the documents annexed to the Sterling Entities claim forms, and the documents produced in response to other requests herein.

3. The Sterling Entities object to your request on the grounds that it is overly broad, vague and ambiguous, unduly burdensome, seeks information that is proprietary and confidential, seeks information that cannot be provided without violating the laws of Anguilla and the Bahamas, seeks information irrelevant to their objection to the interim distribution plan, and seeks information already in your possession.
4. The Sterling Entities object to your request on the ground that it is overly broad. Subject to and without waiving the foregoing objection, be advised that the Sterling Entities do not retain e-mails in the ordinary course of business.
5. The Sterling Entities object to your request on the grounds that it is overly broad, unduly burdensome, seeks information that is proprietary and confidential, seeks information that cannot be provided without violating the laws of Anguilla and the Bahamas, seeks information irrelevant to their objection to the interim distribution plan, and seeks information already in your possession. Subject to and without waiving the foregoing objections, the Sterling Entities will produce documents, if any, which may have been used to solicit funds which were invested with Tech Traders. We will not produce additional copies of documents already in your possession.
6. The Sterling Entities object to your request on the grounds that it is overly broad, wholly irrelevant to their objection to the interim distribution, not reasonably calculated to lead to the discovery of admissible evidence, and constitutes a fishing expedition by the CFTC.
7. The Sterling Entities object to your request on the grounds that it is overly broad, wholly irrelevant to their objection to the interim distribution, not reasonably calculated to lead to the discovery of admissible evidence, seeks the production of documents already in your possession, and constitutes a fishing expedition by the CFTC.

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

Elizabeth Streit, Esq.
March 21, 2005
Page 3

8. The Sterling Entities object to your request on the grounds that it is overly broad, wholly irrelevant to their objection to the interim distribution, not reasonably calculated to lead to the discovery of admissible evidence, seeks the production of documents already in your possession, and constitutes a fishing expedition by the CFTC. Subject to and without waiving the foregoing objection, the Sterling Entities will produce promotional or solicitation literature, if any, which may have been used to solicit funds which were invested with Tech Traders.
9. The Sterling Entities object to your request on the grounds that it is vague and ambiguous, overly broad, unduly burdensome, seeks information that is proprietary and confidential, and seeks information that cannot be provided without violating the laws of Anguilla and the Bahamas. Despite the fact that this request is unintelligible, the Sterling Entities interpret it to be requesting information regarding transfers of money to Tech Traders. Subject to and without waiving the foregoing objection, the Sterling Entities refer you to the documents initially produced to the Receiver, the documents introduced at the hearing on the motion to intervene, Vernon Abernethy's work papers produced by the Sterling Entities, the documents used at the deposition of Howell Woltz, the documents located during your review of the stolen Sterling computer, the documents you received in response to subpoenas to BB&T, the documents annexed to the Sterling Entities claim forms and the documents produced in response to other requests herein.
10. No such document has been located.
11. The Sterling Entities object to your request on the grounds that it is overly broad, wholly irrelevant to their objection to the interim distribution, not reasonably calculated to lead to the discovery of admissible evidence, and constitutes a fishing expedition by the CFTC. Subject to and without waiving the foregoing, be advised that the Sterling Entities have no such documents in their custody, possession or control.
12. The Sterling Entities object to your request on the grounds that it is overly broad, wholly irrelevant to their objection to the interim distribution, not reasonably calculated to lead to the discovery of admissible evidence, seeks information that is proprietary and confidential, and seeks information that cannot be provided without violating the laws of Anguilla and the Bahamas, and constitutes a fishing expedition by the CFTC.

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

Elizabeth Streit, Esq.
March 21, 2005
Page 4

13. The Sterling Entities object to your request on the grounds that it is vague and ambiguous and seeks information which is wholly irrelevant to their objection to the interim distribution. The question can not be answered as posed.
14. The Sterling Entities object to your request on the grounds that it is vague and ambiguous and seeks information which is wholly irrelevant to their objection to the interim distribution. The question can not be answered as posed.
15. No such documents exist.
16. No such documents exist.
17. No such documents exist.
18. No such documents exist.
19. Unknown.
20. Capital contribution.
21. It is an Anguillan corporation which provides corporate services.
22. Unknown.
23. Unknown.
24. Unknown.
25. Capital contribution.
26. A natural person who attempted low-income housing development in the Bahamas.
27. Son of James Webb.
28. Son of James Webb.

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

Elizabeth Streit, Esq.
March 21, 2005
Page 5

29. Partial funding of the low-income housing development project.
30. Unknown.
31. Unknown.
32. Unknown.
33. Unknown.
34. Sterling ACS Ltd. has no record of receiving \$16,250 from Bright Star Management.
35. Unknown.
36. Unknown.
37. Unknown.
38. Annual corporate management fee for Gibson Enterprises LLC.
39. A natural person residing in the Bahamas.
40. Investment.
41. Unknown.
42. A Delaware corporation.
43. A custodial transaction.
44. Sterling Trust (Anguilla) Ltd.'s landlord in Anguilla.
45. No such documents exist.
46. Sterling Trust (Anguilla) Ltd. has no documents beyond those already produced.

KURZMAN EISENBERG CORBIN LEVER & GOODMAN, LLP

Elizabeth Streit, Esq.
March 21, 2005
Page 6

47. Sterling Trust (Anguilla) Ltd. has no documents beyond those already produced.

The documents identified for production herein will be produced in the next few days.

Thank you for your anticipated cooperation.

Sincerely,

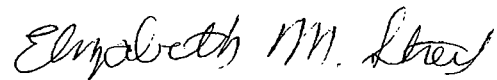
A handwritten signature in black ink, appearing to read "M. Russo", with a stylized flourish at the end.

Martin P. Russo

36. Who is on the board of directors for Enterprise Alliance, Ltd.?
37. Who has beneficial interests in Enterprise Alliance, Ltd.?
38. Why did Enterprise Alliance, Ltd. transfer \$2,000 to Sterling ACS, Ltd.?
39. Who is Walter Kells?
40. Why did Walter Kells transfer \$20,000 to Strategic Investment Portfolio?
41. What is Polycomp?
42. What is Ryman Investments?
43. Why did Polycomp transfer \$625,000 to Sterling Bank, Ltd.?
44. What is Mees Pierson Intertrust?
45. For each Sterling claimant, documents such as wire transfer confirmations or copies of cancelled checks evidencing transfers of money into its respective account at Mees Pierson Intertrust.
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Other documents I requested at Howell Woltz's deposition on December 10th and memorialized in my letter of December 16, 2004 are specific requests that are encompassed in the more general requests set forth at 2 through 9 above. As you will note, requests 2 through 9 are also compelled by subpoena to Vernice Woltz and are due under the subpoena on March 15, 2005.

Sincerely,



Elizabeth M. Streit
Lead Trial Attorney

CERTIFICATE OF SERVICE

The undersigned, Venice Bickham, a non-attorney, does hereby certify that on March 31, 2005 she caused a true and correct copy of the foregoing ***Objection of the Commodity Futures Trading Commission to the Claims of the Sterling Entities*** to be served upon the following persons via federal express mail:

***On behalf of Coyt E. Murray, Tech Traders, Inc., Tech Traders, Ltd.,
Magnum Investments, Ltd., and Magnum Capital Investments, Ltd.***

Melvyn J. Falis
Martin H. Kaplan
Gusrae, Kaplan & Bruno, PLLC
120 Wall Street
New York, NY 10005

***On behalf of Equity Financial Group,
Vincent Firth and Robert Shimer***

Samuel Abernathy
Paul Hellegers
Menaker and Hermann
10 E. 40th St., 43rd Floor
New York, NY 10014

On behalf of the Sterling Entities

Martin Russo
Kurzman Eisenberg Corbin Lever & Goodman, LLP
One North Broadway
White Plains, New York 10601

On behalf of the Sterling Entities

William Faulk
Brown & Connery, LLP
360 Haddon Ave.
P.O. Box 539
Westmont, New Jersey 08108

Defendant J. Vernon Abernethy, pro se

J. Vernon Abernethy
413 Chester St.
Gastonia, NC 28052

Receiver

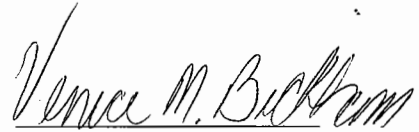
Stephen T. Bobo
Bina Sanghavi
Sachnoff & Weaver, Ltd.
30 S. Wacker Drive, 29th Floor
Chicago, IL 60606-7484

Defendant Robert W. Shimer, pro se

Robert W. Shimer
1225 West Leesport Rd
Leesport, Pennsylvania 19533

Defendant Vincent J. Firth, pro se

Vincent J. Firth
3 Aster Court
Medford, NJ 08055



Venice M. Bickham
Paralegal