

UNITED STATES OF AMERICA
before
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF INSPECTOR GENERAL

Subpoena Duces Tecum

TO: **CUSTODIAN OF RECORDS**
Morgan Guaranty Trust Co. of New York
38th Floor
60 Wall Street
New York, N.Y. 10260
Attention: Jennifer Padnick

Whereas Section 4(a) of the Inspector General Act of 1978 as amended (the Act), 5 U.S.C. App. 3, requires the Inspector General of the Department of Housing and Urban Development (the Department) to provide policy direction and to conduct, supervise, and coordinate audits, investigations, and other activities for the purpose of promoting economy and efficiency in the administration of the programs and operations of the Department and preventing and detecting fraud and abuse in such programs; and

Whereas the Inspector General of the Department is authorized by Section 6(a)(4) of the Act to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions and

responsibilities assigned by the Act; and

Whereas the Inspector General of the Department has information which indicates that you may have information relevant or material to an ongoing investigation; and

Whereas the information is necessary for the Inspector General of the Department to perform her statutory duties;

Therefore, YOU ARE HEREBY COMMANDED to produce and make available, by CERTIFIED MAIL, addressed to:

Jack Rogers, Auditor
c/o Office of Counsel to the Inspector General
Office of Inspector General
United States Department of Housing and Urban Development
451 7th Street, S.W.
Room 8260
Washington, DC 20410-4500
(Telephone: (202) 708-5227 ext. 209)

the documents listed below, upon receipt of a Certificate of Compliance with the Right to Financial Privacy Act. You should receive such certificate on or before August 5, 1998.

Definitions and Instructions

1. The terms "documents" and "records" as used in this subpoena include all data, documentary evidence, and information, whether in paper form or stored on audiotape, videotape, computer, electronic, magnetic, or other

media.

2. The term "accounts" as used in this subpoena includes, but is not limited to, all checking accounts, savings accounts, loans, revolving line of credit accounts, certificates of deposit, safe deposit boxes, money market accounts, time deposit accounts, mortgages, and securities accounts.

Document Demand

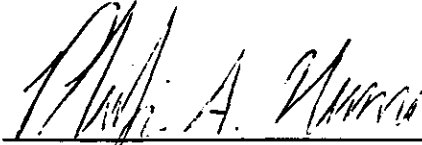
YOU ARE HEREBY REQUIRED TO PRODUCE copies of documents and records relating to account number 001-36-164 and any other account maintained by or for the benefit of C. Austin Fitts, for the period of January 1, 1994 to the present. The documents and records to be produced include, but are not limited to, the following:

1. All monthly statements;
2. All canceled checks (front and back) of \$500 or more drawn on the account(s);
3. All deposit slips, credit memos, debit memos, and wire transfer memos of \$500 or more pertaining to the account(s);
4. All applications and account signature cards;
5. All loan or mortgage applications (whether the loan was granted, denied or withdrawn), financial statements, payment/amortization

schedules, payment slips/items, memoranda, notes, and all other documents, relating to any such loans or mortgages or applications therefor;

6. All other documents relating to account activity or account balances during the period specified; and
7. All correspondence, memoranda, or other communications relating to accounts.

Issued July 13, 1998 under the authority of Section 6(a)(4) of the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.



Philip A. Kesaris
Assistant Inspector General
for Investigation
Office of Inspector General
U.S. Department of Housing
and Urban Development



WARNING: Section 6(a)(4) of the Inspector General Act of 1978, as amended, provides that this subpoena shall be enforceable, in the case of contumacy or refusal to obey, by order of any appropriate United States District Court.
C-980713si.hs1