

Peggy Hunt (Utah State Bar No. 6060)
Chris Martinez (Utah State Bar No. 11152)
Jeffrey M. Armington (Utah State Bar No. 14050)

DORSEY & WHITNEY LLP

136 South Main Street, Suite 1000

Salt Lake City, UT 84101-1685

Telephone: (801) 933-7360

Facsimile: (801) 933-7373

Email: hunt.peggy@dorsey.com

martinez.chris@dorsey.com

armington.jeff@dorsey.com

Attorneys for Court-Appointed Receiver R. Wayne Klein

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

<p>R. WAYNE KLEIN, as Receiver,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>HANS BERGER, and JOHN DOES 1-5,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">COMPLAINT</p> <p style="text-align: center;">(Ancillary to Case No. 2:12-cv-00591)</p> <p style="text-align: center;">Civil No. _____</p>
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R. Wayne Klein, the Court-Appointed Receiver (the “Receiver” or “Plaintiff”) of National Note of Utah, LC (“National Note”), its subsidiaries and affiliates (collectively, unless otherwise stated, National Note and all subsidiaries and affiliated entities are referred to herein as “NNU”), and the assets of Wayne LaMar Palmer (“Palmer”), in the case styled as *Securities and Exchange Commission v. National Note of Utah, LC et al.*, Case No. 2:12-cv-00591 (D. Utah) (Jenkins, J.) (the “SEC Civil Enforcement Case”), hereby files this Complaint against Hans Berger (“Berger”), and John Does 1-5 (“Defendant Does” and together with Berger, “Defendant”), and states, alleges and avers as follows:

STATEMENT OF THE CASE

1. NNU was operated as an enterprise with all of the characteristics of a Ponzi scheme through which money was solicited from investors.¹ Upon information and belief, Defendant was an NNU investor who received monies from NNU, and the Receiver seeks to avoid the transfers and/or recover the value of the transfers from Defendant for the benefit of the receivership estate established in the SEC Civil Enforcement Case discussed in greater detail below.

PARTIES

2. Pursuant to an Order Appointing Receiver and Staying Litigation entered on June 25, 2012 in the SEC Civil Enforcement Case (the “Receivership Order”),² Plaintiff is the duly-appointed Receiver for National Note and Palmer “together with any and all subsidiaries and affiliated entities of National Note and Palmer. . . .”³

3. Upon information and belief, Defendant Berger is a resident of or is domiciled in in the State of Utah.

4. Upon information and belief, Defendant Does are currently unknown parties who have received monies or property from NNU, or are persons to whom Berger has transferred monies or property received from NNU.

JURISDICTION AND VENUE

5. Subject matter jurisdiction is proper in this Court pursuant to 28 U.S.C. §1367.

¹ See SEC Civil Enforcement Case, Docket No. 1 (Complaint).

² SEC Civil Enforcement Case, Docket No. 9.

³ *Id.* (Receivership Order, pp. 1-2).

6. The Court has personal jurisdiction over Defendant.
7. Venue is proper in this Court pursuant to 28 U.S.C. § 754.

FACTS

The Ponzi Scheme

8. Since at least 1994 until the commencement of the SEC Civil Enforcement Case, NNU raised capital by soliciting investors to purchase promissory notes, which typically promised to pay interest at a rate of interest above market rates.

9. Upon information and belief, investors understood that they were investing in an enterprise that, among other things, bought and sold mortgage notes, underwrote and made loans, or bought and sold real estate assets through National Note, or one of many affiliated entities subject to the Receivership Order, all of which are referred to herein collectively as “NNU.”

10. Typically, investment funds were deposited in a commingled bank account controlled by NNU. NNU would then transfer such investor funds to another bank account (the “Investor Account”).

11. Monies on deposit in the Investor Account were commingled, and transfers to investors by NNU were made from the commingled funds on deposit in that Investor Account.

12. At all times relevant hereto, NNU was insolvent.

Defendant’s Investment and the Transfers

13. On or about 1996, Defendant commenced investing with NNU. A history of Defendant’s investment(s) is attached hereto as Exhibit A.

14. Defendant paid NNU cash in the total amount of \$10,000.00 on or about 1996 (the “Principal Cash Investment”).

15. As set forth on Exhibit A, NNU transferred a total of \$30,381.92 in cash to Defendant (the “Total Transfers”).

16. Of the Total Transfers, \$20,381.92 is an amount that is over and above Defendant’s Principal Cash Investment (the “False Profit Transfers”) (collectively, the Total Transfers and the False Profit Transfers are the “Transfers”).⁴

The SEC Civil Case and the Receiver’s Appointment

17. On June 25, 2012, the SEC Civil Enforcement Case was filed, alleging that NNU is a Ponzi scheme, and seeking, among other things, orders (a) restraining and enjoining NNU and Palmer from continuing to violate federal securities laws, (b) freezing assets and prohibiting NNU from transferring, changing, wasting, dissipating, converting, concealing, or otherwise disposing of assets, (c) prohibiting NNU from destroying, mutilating, concealing, transferring, altering, or otherwise disposing of NNU’s books and records, (d) imposing civil money penalties against NNU and Palmer, and (e) requiring the disgorgement by NNU and Palmer of all ill-gotten gains received by them pursuant to the scheme.⁵

18. Also on June 25, 2012, as a result of the filing of the SEC Civil Enforcement Action, the Court entered a Temporary Restraining Order and Order to Show Cause against the defendants⁶ and the Receivership Order appointing the Receiver.⁷ Since that time, both National Note and Palmer have stipulated to a Preliminary Injunction Order that prohibits National Note

⁴ See Exh. A.

⁵ SEC Civil Enforcement Case, Docket No. 1 (Complaint).

⁶ *Id.*, Docket No. 7.

⁷ *Id.*, Docket No. 9.

and Palmer from committing any further acts in furtherance of the Ponzi scheme and that prohibits National Note and Palmer from withdrawing, transferring, selling, buying, pledging, encumbering, assigning, dissipating, concealing, or otherwise disposing of any of their assets.⁸

19. On or about May 21, 2013, the Court entered an Order authorizing the Receiver to commence legal proceedings for the benefit of and on behalf of the receivership estate.⁹

FIRST CLAIM FOR RELIEF

(Avoidance of Fraudulent Transfers Under Utah Code Ann. §§ 25-6-5(1)(a) and 25-6-8)

20. The Receiver re-alleges and incorporates herein by reference each of the preceding allegations as if set forth completely herein.

21. NNU was engaged in an enterprise with all of the characteristics of a Ponzi scheme.

22. NNU made the Transfers to Defendant in furtherance of the Ponzi scheme.

23. At all relevant times hereto, NNU had at least one creditor.

24. The Transfers were made and any obligations to Defendant incurred with actual intent to hinder, delay or defraud a creditor of NNU.

25. Pursuant to Utah Code Ann. §§ 25-6-5(1)(a) and 25-6-8, the Receiver may avoid and recover the Transfers to Defendant.

26. Alternatively, to the extent that Defendant took in good faith and for a reasonably equivalent value, the Receiver may avoid and recover the False Profit Transfers from Defendant.

SECOND CLAIM FOR RELIEF

(Avoidance of Fraudulent Transfers Under Utah Code Ann. §§ 25-6-5(1)(b) and 25-6-8)

⁸ *Id.*, Docket Nos. 45 and 46.

⁹ *Id.*, Docket No. 315.

27. The Receiver re-alleges and incorporates herein by reference each of the preceding allegations as if set forth completely herein.

28. NNU was engaged in an enterprise that has all of the characteristics of a Ponzi scheme.

29. NNU made the Transfers to Defendant in furtherance of the Ponzi scheme.

30. At all relevant times hereto, NNU had at least one creditor.

31. The Transfers were made or the obligations to Defendant were incurred by NNU without receiving a reasonably equivalent value in exchange for the Transfers or obligations.

32. At the time the Transfers were made, NNU (a) was engaged or was about to be engaged in a business or transaction for which the remaining assets of NNU were unreasonably small in relation to the business or transaction; or (b) intended to incur, or believed or reasonably should have believed that it would incur, debts beyond its ability to pay as such debts became due.

33. Pursuant to Utah Code Ann. §§ 25-6-5(1)(b) and 25-6-8, the Receiver may avoid and recover the Transfers to Defendant.

34. Alternatively, to the extent that Defendant took in good faith and for a reasonably equivalent value, the Receiver may avoid and recover the False Profit Transfers from Defendant.

THIRD CLAIM FOR RELIEF

(Avoidance of Fraudulent Transfers Under Utah Code Ann. §§ 25-6-6(1) and 25-6-8)

35. The Receiver re-alleges and incorporates herein by reference each of the preceding allegations as if set forth completely herein.

36. NNU was engaged in a Ponzi scheme.

37. NNU made the Transfers to Defendant in furtherance of the Ponzi scheme

38. NNU had at least one creditor at the time that the Transfers were made or the obligation to Defendant was incurred.

39. The Transfers were made or the obligation to Defendant was incurred by NNU without NNU receiving a reasonably equivalent value in exchange for the Transfer or obligation.

40. NNU was insolvent at the time the Transfers were made or the obligation was incurred, or became insolvent as a result of the Transfers or the obligation incurred.

41. Pursuant to Utah Code Ann. §§ 25-6-6(1) and 25-6-8, the Receiver may avoid and recover the Transfers to Defendant.

42. Alternatively, to the extent that Defendant took in good faith and for a reasonably equivalent value, the Receiver may avoid and recover the False Profit Transfers from Defendant.

FOURTH CLAIM FOR RELIEF

(Constructive Trust)

43. The Receiver re-alleges and incorporates herein by reference each of the preceding allegations as if set forth completely herein.

44. The Transfers to Defendant were comprised of property of NNU and were made by NNU in furtherance of the Ponzi scheme.

45. Allowing Defendant to retain the Transfers would unjustly enrich Defendant and would be inequitable.

46. The Transfers can be traced to wrongful behavior.

47. An injustice would result if Defendant was allowed to keep the Transfers.

48. A constructive trust for the benefit of the receivership estate must be imposed for

the benefit of the receivership estate in the amount of the Transfers made by NNU to Defendant, or in the alternative if Defendant acted in good faith, for the False Profit Transfers.

FIFTH CLAIM FOR RELIEF

(Unjust Enrichment)

49. The Receiver re-alleges and incorporates herein by reference each of the preceding allegations as if set forth completely herein.

50. The Transfers to Defendant were comprised of property of NNU and were made by NNU in furtherance of the Ponzi scheme.

51. The Transfers conferred a benefit upon Defendant.

52. The Defendant knowingly benefitted from the Transfers.

53. Allowing Defendant to retain the Transfers would unjustly enrich Defendant and would be inequitable.

54. Absent return of the Transfers, the receivership estate will be damaged by Defendant's unjust enrichment and may have no adequate remedy at law.

55. Defendant must disgorge the amount of the Transfers, or if Defendant acted in good faith, the False Profit Transfers, for the benefit of the receivership estate.

SIXTH CLAIM FOR RELIEF

(Disgorgement)

56. The Receiver re-alleges and incorporates herein by reference each of the preceding allegations as if set forth completely herein.

57. The Transfers were made as part of and in furtherance of a Ponzi scheme.

58. The Transfers were ill-gotten by Defendant.

59. Defendant has no claim to the Transfers made by NNU, or derivatively, from

NNU's investors.

60. All Transfers made to Defendant, or if Defendant acted in good faith, the False Profit Transfers, should be disgorged to the Receiver for the benefit of the receivership estate.

PRAYER FOR RELIEF

WHEREFORE, the Receiver prays for Judgment against Defendant as follows:

A. Pursuant to the Receiver's First Claim for Relief, judgment against Defendant avoiding the Transfers under Utah Code Ann. §§ 25-6-5(a)(1) and 25-6-8, and permitting Plaintiff's recovery of the value of the Transfers in the total amount of \$30,381.92, or alternatively, the amount of the False Profit Transfers, in the total amount of \$20,381.92.

B. Pursuant to the Receiver's Second Claim for Relief, judgment against Defendant avoiding the Transfers under Utah Code Ann. §§ 25-6-5(a)(2) and 25-6-8, and permitting Plaintiff's recovery of the value of the Transfers in the total amount of \$30,381.92, or alternatively, the amount of the False Profit Transfers, in the total amount of \$20,381.92.

C. Pursuant to the Receiver's Third Claim for Relief, judgment against Defendant avoiding the Transfers under Utah Code Ann. §§ 25-6-6(1) and 25-6-8, and permitting Plaintiff's recovery of the value of the Transfers in the total amount of \$30,381.92, or alternatively, the amount of the False Profit Transfers, in the total amount of \$20,381.92.

D. Pursuant to the Receiver's Fourth Claim for Relief, judgment against Defendant imposing a constructive trust for the benefit of the receivership estate on any and all Transfers, or alternatively, all False Profit Transfers.

E. Pursuant to the Receiver's Fifth Claim for Relief, judgment against Defendant for unjust enrichment, and requiring Defendant to disgorge the Transfers in the total amount of

National Note of Utah, LC
 1549 West 7800 South
 West Jordan, UT 84088
 801-566-7337 Julie@nationalnote.com

Investment Pay History

Reference

Berger HJB960120-PY 1NNU
 Printed 02/18/13 Period of 01/01/90 - 12/31/12

Internal report: Do not mail to this address!

HJB Enterprises, LC
 Berger, Hans
 2405 Briarcreek Drive
 Salt Lake City, UT 84117

Additional information

6557 South Vinecrest Drive ACCT 2813-UT

W: 801-277-8452 H: 801- -

Regular pmt:	205.00	Int rate:	18.000	18.000	Acct closed:	05/15/07	Orig bal:	10000.00	
Escrow pmt:	0.00	Int calc:		Fixed			Orig date:	01/20/96	
Service fee:	0.00	Pmt type:	1099 T	USRule 365 M			Maturity:	06/01/96	
Total pmt:	205.00	NSF fee:		0.00			Balloon:	10000.00	
Pay Date	Due/Type	Amount	RetCap/Ref	Income	DiscEarn	Basis	----- Payment/Balance -----		
							Escrow	Late	Svc
01/20/96		0.00	0.00	0.00	0.00	10000.00	0.00	0.00	0.00
Annual Total:		0.00	0.00	0.00	0.00		0.00	0.00	0.00
Escrow Paid Out:							0.00		
05/15/07	05/15/07 R	30381.92	0.00	205.00	0.00	10000.00	0.00	0.00	0.00
			3811	20176.92 AI					
05/15/07	Y	0.00	10000.00	20176.92	0.00	0.00	0.00	0.00	0.00
			3811						
Annual Total:		30381.92	10000.00	20381.92	0.00		0.00	0.00	0.00
Escrow Paid Out:							0.00		
Report Total:		30381.92	10000.00	20381.92	0.00		0.00	0.00	0.00
Escrow Paid Out:							0.00		
Balances:						0.00	0.00	0.00	0.00

Taxable: 20381.92

National Note of Utah, LC
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 801-566-7337 Julie@nationalnote.com

Payment History

Reference
 Berger 95-1082HB-RC 1NNU
 Printed: 02/18/13 Period: 01/01/90 - 12/31/12

Contact information

HJB Enterprises
 Berger, Hans
 415 West Bearcat Drive
 Salt Lake City, UT 84115

Additional information

Lot 4, Brentwood Park Subdivision ACCT 1851
 UT

W: 801-467-1010 H: 801- -

Regular pmt:	1156.53	Int rate:	18.000	Acct closed:	06/29/07	Orig bal:	45000.00
Escrow pmt :	0.00	Int calc:	Fixed			Orig date:	09/18/95
Service fee:	0.00	Pmt type:	USRULE 365 M			Maturity:	05/01/02
Total pmt:	1156.53	NSF fee:	0.00			Balloon:	78258.51
Ord/Day/LFee: 2/10	57.83						
Total if late:	1214.36						

Pay Date	Due/Type	Amount	Applied/Ref	Interest	Principal	Balance	Escrow	Payment/Balance Late	Svc
09/18/95		0.00	0.00	0.00	0.00	45000.00	0.00	0.00	0.00
				814.00 AI					
09/18/95	O	814.00	814.00	814.00	0.00	45000.00	0.00	0.00	0.00
			POINTS						
11/01/95	11/01/95 R	675.00	675.00	675.00	0.00	45000.00	0.00	0.00	0.00
			1123	301.44 AI					
12/08/95	12/01/95 R	675.00	675.00	675.00	0.00	45000.00	0.00	0.00	0.00
			1156	447.54 AI					
Annual Total:		2164.00		2164.00	0.00		0.00	0.00	0.00
Escrow Paid Out:							0.00		
01/12/96	r	675.00	675.00	641.25	0.00	45000.00	0.00	33.75	0.00
			1200	583.00 AI					
01/30/96	01/01/96 R	0.00	0.00	0.00	0.00	45000.00	0.00	0.00	0.00
			BRINGCUR	982.45 AI					
01/30/96	P	-2000.00	0.00	0.00	-2000.00	47000.00	0.00	0.00	0.00
			ADVANCE	982.45 AI					
04/15/96	02/01/96 R	1510.00	740.25	705.00	0.00	47000.00	0.00	35.25	0.00
			1288	2038.98 AI					
04/15/96	03/01/96 R	0.00	740.25	705.00	0.00	47000.00	0.00	35.25	0.00
			1288	1333.98 AI					
04/15/96	r	0.00	29.50	0.00	0.00	47000.00	0.00	29.50	0.00
			1288	1333.98 AI				5.75	
05/08/96	04/01/96 R	1351.25	710.75	705.00	0.00	47000.00	0.00	5.75	0.00
			1523	1162.08 AI					
05/08/96	r	0.00	640.50	640.50	0.00	47000.00	0.00	0.00	0.00
			1523	521.58 AI					
07/19/96	05/01/96 R	1450.00	99.75	64.50	0.00	47000.00	0.00	35.25	0.00
			1683	2125.90 AI					
07/19/96	06/01/96 R	0.00	740.25	705.00	0.00	47000.00	0.00	35.25	0.00
			1683	1420.90 AI					
07/19/96	r	0.00	610.00	574.75	0.00	47000.00	0.00	35.25	0.00
			1683	846.15 AI					
07/19/96	F	-1450.00	-1450.00	-1344.25	0.00	47000.00	0.00	-105.75	0.00
			1683	521.58 AI					

National Note of Utah, LC
 1549 West 7800 South
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 801-566-7337 Julie@nationalnote.com

Payment History

Reference

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 Printed: 02/18/13 Period: 01/01/90 - 12/31/12

Pay Date	Due/Type	Amount	Applied/Ref	Interest	Principal	Balance	Payment/Balance		Svc
							Escrow	Late	
07/19/96	S	-15.00	-15.00	0.00	0.00	47000.00	0.00	0.00	-15.00
			NSF FEE	521.58 AI					15.00
08/05/96	05/01/96 R	1450.00	99.75	64.50	0.00	47000.00	0.00	35.25	0.00
			REDEPOST	2519.93 AI					15.00
08/05/96	06/01/96 R	0.00	740.25	705.00	0.00	47000.00	0.00	35.25	0.00
			REDEPOST	1814.93 AI					15.00
08/05/96	r	0.00	610.00	574.75	0.00	47000.00	0.00	35.25	0.00
			REDEPOST	1240.18 AI					15.00
11/14/96	07/01/96 R	2925.75	130.25	130.25	0.00	47000.00	0.00	0.00	0.00
			COUNTER	3450.92 AI					15.00
11/14/96	08/01/96 R	0.00	740.25	705.00	0.00	47000.00	0.00	35.25	0.00
			COUNTER	2745.92 AI					15.00
11/14/96	09/01/96 R	0.00	740.25	705.00	0.00	47000.00	0.00	35.25	0.00
			COUNTER	2040.92 AI					15.00
11/14/96	10/01/96 R	0.00	740.25	705.00	0.00	47000.00	0.00	35.25	0.00
			COUNTER	1335.92 AI					15.00
11/14/96	r	0.00	574.75	539.50	0.00	47000.00	0.00	35.25	0.00
			COUNTER	796.42 AI					15.00
Annual Total:		7912.00		7525.75	-2000.00		0.00	386.25	0.00
Escrow Paid Out:							0.00		
01/29/97	11/01/96 R	0.00	0.00	0.00	0.00	47000.00	0.00	0.00	0.00
			BRINGCUR	2557.95 AI					15.00
01/29/97	12/01/96 R	0.00	0.00	0.00	0.00	47000.00	0.00	0.00	0.00
			BRINGCUR	3262.95 AI					35.25
01/29/97	01/01/97 R	0.00	0.00	0.00	0.00	47000.00	0.00	0.00	0.00
			BRINGCUR	3967.95 AI					70.50
01/29/97	P	-3000.00	0.00	0.00	-3000.00	50000.00	0.00	0.00	0.00
			ADVANCE	3967.95 AI					70.50
01/29/97	r	500.00	500.00	429.50	0.00	50000.00	0.00	70.50	0.00
			1201 NNU	4288.45 AI					15.00
02/06/97	02/01/97 R	2378.00	250.00	250.00	0.00	50000.00	0.00	0.00	0.00
			NEW LOAN	4038.45 AI					15.00
02/06/97	03/01/97 R	0.00	750.00	750.00	0.00	50000.00	0.00	0.00	0.00
			NEW LOAN	4038.45 AI					15.00
02/06/97	04/01/97 R	0.00	750.00	750.00	0.00	50000.00	0.00	0.00	0.00
			NEW LOAN	4038.45 AI					15.00
02/06/97	r	0.00	628.00	628.00	0.00	50000.00	0.00	0.00	0.00
			NEW LOAN	4160.45 AI					15.00
07/01/97	05/01/97 R	4168.00	159.50	122.00	0.00	50000.00	0.00	37.50	0.00
			1001	4038.45 AI					15.00
07/01/97	06/01/97 R	0.00	787.50	750.00	0.00	50000.00	0.00	37.50	0.00
			1001	4038.45 AI					15.00
07/01/97	07/01/97 R	0.00	750.00	750.00	0.00	50000.00	0.00	0.00	0.00
			1001	4038.45 AI					15.00
07/01/97	08/01/97 R	0.00	750.00	750.00	0.00	50000.00	0.00	0.00	0.00
			1001	4038.45 AI					15.00
07/01/97	09/01/97 R	0.00	750.00	750.00	0.00	50000.00	0.00	0.00	0.00
			1001	4038.45 AI					15.00
07/01/97	10/01/97 R	0.00	750.00	750.00	0.00	50000.00	0.00	0.00	0.00
			1001	4038.45 AI					15.00

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Payment History

Reference

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 Printed: 02/18/13 Period: 01/01/90 - 12/31/12

Pay Date	Due/Type	Amount	Applied/Ref	Interest	Principal	Balance	Payment/Balance		
							Escrow	Late	Svc
07/01/97	r	0.00	221.00	221.00	0.00	50000.00	0.00	0.00	0.00
			1001	4567.45 AI					15.00
07/01/97	F	-4168.00	-4168.00	-4093.00	0.00	50000.00	0.00	-75.00	0.00
			1001	4160.45 AI					15.00
07/01/97	S	-15.00	-15.00	0.00	0.00	50000.00	0.00	0.00	-15.00
			NSF FEE	4160.45 AI					30.00
07/30/97	05/01/97 R	4068.00	159.50	122.00	0.00	50000.00	0.00	37.50	0.00
			111326	4038.45 AI					30.00
07/30/97	06/01/97 R	0.00	787.50	750.00	0.00	50000.00	0.00	37.50	0.00
			111326	4038.45 AI					30.00
07/30/97	07/01/97 R	0.00	787.50	750.00	0.00	50000.00	0.00	37.50	0.00
			111326	4038.45 AI					30.00
07/30/97	08/01/97 R	0.00	750.00	750.00	0.00	50000.00	0.00	0.00	0.00
			111326	4038.45 AI					30.00
07/30/97	09/01/97 R	0.00	750.00	750.00	0.00	50000.00	0.00	0.00	0.00
			111326	4038.45 AI					30.00
07/30/97	10/01/97 R	0.00	750.00	750.00	0.00	50000.00	0.00	0.00	0.00
			111326	4038.45 AI					30.00
07/30/97	r	0.00	83.50	83.50	0.00	50000.00	0.00	0.00	0.00
			111326	4704.95 AI					30.00
08/08/97	11/01/97 R	1060.10	666.50	666.50	0.00	50000.00	0.00	0.00	0.00
			012342	4038.45 AI					30.00
08/08/97	r	0.00	393.60	393.60	0.00	50000.00	0.00	0.00	0.00
			012342	4394.85 AI					30.00
Annual Total:		8006.10		7823.10	-3000.00		0.00	183.00	0.00
Escrow Paid Out:							0.00		
03/19/98	12/01/97 R	2000.00	393.90	356.40	0.00	50000.00	0.00	37.50	0.00
			188	4038.45 AI					30.00
03/19/98	01/01/98 R	0.00	787.50	750.00	0.00	50000.00	0.00	37.50	0.00
			188	4038.45 AI					30.00
03/19/98	02/01/98 R	0.00	787.50	750.00	0.00	50000.00	0.00	37.50	0.00
			188	4038.45 AI					30.00
03/19/98	r	0.00	31.10	0.00	0.00	50000.00	0.00	31.10	0.00
			188	4788.45 AI				6.40	30.00
06/03/98	03/01/98 R	6659.37	756.40	750.00	0.00	50000.00	0.00	6.40	0.00
			CHECKS	4038.45 AI					30.00
06/03/98	04/01/98 R	0.00	787.50	750.00	0.00	50000.00	0.00	37.50	0.00
			CHECKS	4038.45 AI					30.00
06/03/98	05/01/98 R	0.00	787.50	750.00	0.00	50000.00	0.00	37.50	0.00
			CHECKS	4038.45 AI					30.00
06/03/98	06/01/98 R	0.00	750.00	750.00	0.00	50000.00	0.00	0.00	0.00
			CHECKS	4038.45 AI					30.00
06/03/98	P	0.00	3577.97	3577.97	0.00	50000.00	0.00	0.00	0.00
			CHECKS	460.48 AI					30.00
08/25/98	07/01/98 R	2000.00	787.50	750.00	0.00	50000.00	0.00	37.50	0.00
			LIGHTPMT	460.48 AI					30.00
08/25/98	08/01/98 R	0.00	787.50	750.00	0.00	50000.00	0.00	37.50	0.00
			LIGHTPMT	460.48 AI					30.00
08/25/98	r	0.00	425.00	425.00	0.00	50000.00	0.00	0.00	0.00
			LIGHTPMT	785.48 AI					30.00

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Pay Date	Due/Type	Amount	Applied/Ref	Interest	Principal	Balance	Payment/Balance		
							Escrow	Late	Svc
10/21/98	09/01/98 R	1180.00	362.50	325.00	0.00	50000.00	0.00	37.50	0.00
			CASH	460.48 AI					30.00
10/21/98	10/01/98 R	0.00	787.50	750.00	0.00	50000.00	0.00	37.50	0.00
			CASH	460.48 AI					30.00
10/21/98	P	0.00	30.00	30.00	0.00	50000.00	0.00	0.00	0.00
			CASH	430.48 AI					30.00
Annual Total:		11839.37		11464.37	0.00		0.00	375.00	0.00
Escrow Paid Out:							0.00		
06/01/99	11/01/98 R	0.00	0.00	0.00	0.00	50000.00	0.00	0.00	0.00
			4PAYOFF	1180.48 AI				37.50	30.00
06/01/99	12/01/98 R	0.00	0.00	0.00	0.00	50000.00	0.00	0.00	0.00
			4PAYOFF	1930.48 AI				75.00	30.00
06/01/99	01/01/99 R	0.00	0.00	0.00	0.00	50000.00	0.00	0.00	0.00
			4PAYOFF	2680.48 AI				112.50	30.00
06/01/99	02/01/99 R	0.00	0.00	0.00	0.00	50000.00	0.00	0.00	0.00
			4PAYOFF	3430.48 AI				150.00	30.00
06/01/99	03/01/99 R	0.00	0.00	0.00	0.00	50000.00	0.00	0.00	0.00
			4PAYOFF	4180.48 AI				187.50	30.00
06/01/99	04/01/99 R	0.00	0.00	0.00	0.00	50000.00	0.00	0.00	0.00
			4PAYOFF	4930.48 AI				225.00	30.00
06/01/99	05/01/99 R	0.00	0.00	0.00	0.00	50000.00	0.00	0.00	0.00
			4PAYOFF	5680.48 AI				262.50	30.00
06/01/99	06/01/99 R	0.00	0.00	0.00	0.00	50000.00	0.00	0.00	0.00
			4PAYOFF	6430.48 AI				262.50	30.00
06/01/99	P	-12101.98	0.00	0.00	-12101.98	62101.98	0.00	0.00	0.00
			ADVANCE	6430.48 AI				262.50	30.00
06/01/99	P	5985.91	5985.91	5723.41	0.00	62101.98	0.00	262.50	0.00
			BACKINT	707.07 AI					30.00
08/17/99	07/01/99 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			CURRENT	1638.60 AI				46.58	30.00
08/17/99	08/01/99 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			CURRENT	2570.13 AI				93.16	30.00
12/11/99	09/01/99 R	1000.00	978.11	838.37	0.00	62101.98	0.00	139.74	0.00
			2023	2663.29 AI					30.00
12/11/99	r	0.00	21.89	0.00	0.00	62101.98	0.00	21.89	0.00
			2023	3594.82 AI				24.69	30.00
12/11/99	F	-1000.00	-1000.00	-838.37	0.00	62101.98	0.00	-161.63	0.00
			2023	2570.13 AI				93.16	30.00
12/11/99	S	-25.00	-25.00	0.00	0.00	62101.98	0.00	0.00	-25.00
			NSF fee	2570.13 AI				93.16	55.00
Annual Total:		5985.91		5723.41	-12101.98		0.00	262.50	0.00
Escrow Paid Out:							0.00		
01/06/00	09/01/99 R	1000.00	978.11	838.37	0.00	62101.98	0.00	139.74	0.00
			REDEPOST	2663.29 AI					55.00
01/06/00	r	0.00	21.89	0.00	0.00	62101.98	0.00	21.89	0.00
			REDEPOST	3594.82 AI				24.69	55.00
03/18/00	10/01/99 R	1000.00	956.22	931.53	0.00	62101.98	0.00	24.69	0.00
			2130	2663.29 AI					55.00
03/18/00	r	0.00	43.78	0.00	0.00	62101.98	0.00	43.78	0.00
			2130	3594.82 AI				2.80	55.00

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Pay Date	Due/Type	Amount	Applied/Ref	Interest	Principal	Balance	----- Payment/Balance -----		
							Escrow	Late	Svc
Annual Total:		2000.00		1769.90	0.00		0.00	230.10	0.00
Escrow Paid Out:							0.00		
02/28/02	11/01/99 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	3594.82 AI				2.80	55.00
02/28/02	12/01/99 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	4526.35 AI				49.38	55.00
02/28/02	01/01/00 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	5457.88 AI				95.96	55.00
02/28/02	02/01/00 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	6389.41 AI				142.54	55.00
02/28/02	03/01/00 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	7320.94 AI				189.12	55.00
02/28/02	04/01/00 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	8252.47 AI				235.70	55.00
02/28/02	05/01/00 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	9184.00 AI				282.28	55.00
02/28/02	06/01/00 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	10115.53 AI				328.86	55.00
02/28/02	07/01/00 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	11047.06 AI				375.44	55.00
02/28/02	08/01/00 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	11978.59 AI				422.02	55.00
02/28/02	09/01/00 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	12910.12 AI				468.60	55.00
02/28/02	10/01/00 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	13841.65 AI				515.18	55.00
02/28/02	11/01/00 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	14773.18 AI				561.76	55.00
02/28/02	12/01/00 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	15704.71 AI				608.34	55.00
02/28/02	01/01/01 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	16636.24 AI				654.92	55.00
02/28/02	02/01/01 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	17567.77 AI				701.50	55.00
02/28/02	03/01/01 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	18499.30 AI				748.08	55.00
02/28/02	04/01/01 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	19430.83 AI				794.66	55.00
02/28/02	05/01/01 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	20362.36 AI				841.24	55.00
02/28/02	06/01/01 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	21293.89 AI				887.82	55.00
02/28/02	07/01/01 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	22225.42 AI				934.40	55.00
02/28/02	08/01/01 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	23156.95 AI				980.98	55.00
02/28/02	09/01/01 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	24088.48 AI				1027.56	55.00
02/28/02	10/01/01 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	25020.01 AI				1074.14	55.00

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							Escrow	Late	Svc
02/28/02	11/01/01 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	25951.54 AI				1120.72	55.00
02/28/02	12/01/01 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	26883.07 AI				1167.30	55.00
02/28/02	01/01/02 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	27814.60 AI				1213.88	55.00
02/28/02	02/01/02 R	0.00	0.00	0.00	0.00	62101.98	0.00	0.00	0.00
			BRINGCUR	28746.13 AI				1260.46	55.00
02/28/02	P	-15000.00	0.00	0.00	-15000.00	77101.98	0.00	0.00	0.00
			ADVANCE	28746.13 AI				1260.46	55.00
02/28/02	P	15000.00	15000.00	13739.54	0.00	77101.98	0.00	1260.46	0.00
			2332	16033.21 AI					55.00
03/14/02	03/01/02 R	12341.52	1214.36	1156.53	0.00	77101.98	0.00	57.83	0.00
			5306	14914.70 AI					55.00
03/14/02	P	0.00	11127.16	11127.16	0.00	77101.98	0.00	0.00	0.00
			5306	3787.54 AI					55.00
09/01/02	04/01/02 R	0.00	0.00	0.00	0.00	77101.98	0.00	0.00	0.00
			BRINGCUR	4944.07 AI				57.83	55.00
09/01/02	05/01/02 R	0.00	0.00	0.00	0.00	77101.98	0.00	0.00	0.00
			BRINGCUR	6100.60 AI				115.66	55.00
09/01/02	06/01/02 R	0.00	0.00	0.00	0.00	77101.98	0.00	0.00	0.00
			BRINGCUR	7257.13 AI				173.49	55.00
09/01/02	07/01/02 R	0.00	0.00	0.00	0.00	77101.98	0.00	0.00	0.00
			BRINGCUR	8413.66 AI				231.32	55.00
09/01/02	08/01/02 R	0.00	0.00	0.00	0.00	77101.98	0.00	0.00	0.00
			BRINGCUR	9570.19 AI				289.15	55.00
09/01/02	09/01/02 R	0.00	0.00	0.00	0.00	77101.98	0.00	0.00	0.00
			BRINGCUR	10726.72 AI				289.15	55.00
09/01/02	P	-11070.87	0.00	0.00	-11070.87	88172.85	0.00	0.00	0.00
			ADVANCE	10726.72 AI				289.15	55.00
09/01/02	S	55.00	55.00	0.00	0.00	88172.85	0.00	0.00	55.00
			2408	10726.72 AI				289.15	
09/01/02	P	11015.87	11015.87	10726.72	0.00	88172.85	0.00	289.15	0.00
			2408						
09/10/02	r	963.38	963.38	963.38	0.00	88172.85	0.00	0.00	0.00
			1343	359.21 AI					
09/10/02	F	-963.38	-963.38	-963.38	0.00	88172.85	0.00	0.00	0.00
			1343						
Annual Total:		38412.39		36749.95	-26070.87		0.00	1607.44	55.00
Escrow Paid Out:							0.00		
11/17/06	10/01/02 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	1322.59 AI				57.83	
11/17/06	11/01/02 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	2645.18 AI				115.66	
11/17/06	12/01/02 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	3967.77 AI				173.49	
11/17/06	01/01/03 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	5290.36 AI				231.32	
11/17/06	02/01/03 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	6612.95 AI				289.15	

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							Escrow	Late	Svc
11/17/06	03/01/03 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	7935.54 AI				346.98	
11/17/06	04/01/03 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	9258.13 AI				404.81	
11/17/06	05/01/03 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	10580.72 AI				462.64	
11/17/06	06/01/03 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	11903.31 AI				520.47	
11/17/06	07/01/03 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	13225.90 AI				578.30	
11/17/06	08/01/03 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	14548.49 AI				636.13	
11/17/06	09/01/03 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	15871.08 AI				693.96	
11/17/06	10/01/03 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	17193.67 AI				751.79	
11/17/06	11/01/03 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	18516.26 AI				809.62	
11/17/06	12/01/03 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	19838.85 AI				867.45	
11/17/06	01/01/04 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	21161.44 AI				925.28	
11/17/06	02/01/04 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	22484.03 AI				983.11	
11/17/06	03/01/04 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	23806.62 AI				1040.94	
11/17/06	04/01/04 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	25129.21 AI				1098.77	
11/17/06	05/01/04 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	26451.80 AI				1156.60	
11/17/06	06/01/04 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	27774.39 AI				1214.43	
11/17/06	07/01/04 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	29096.98 AI				1272.26	
11/17/06	08/01/04 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	30419.57 AI				1330.09	
11/17/06	09/01/04 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	31742.16 AI				1387.92	
11/17/06	10/01/04 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	33064.75 AI				1445.75	
11/17/06	11/01/04 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	34387.34 AI				1503.58	
11/17/06	12/01/04 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	35709.93 AI				1561.41	
11/17/06	01/01/05 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	37032.52 AI				1619.24	
11/17/06	02/01/05 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	38355.11 AI				1677.07	
11/17/06	03/01/05 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	39677.70 AI				1734.90	

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11/17/06	04/01/05 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	41000.29 AI				1792.73	
11/17/06	05/01/05 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	42322.88 AI				1850.56	
11/17/06	06/01/05 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	43645.47 AI				1908.39	
11/17/06	07/01/05 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	44968.06 AI				1966.22	
11/17/06	08/01/05 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	46290.65 AI				2024.05	
11/17/06	09/01/05 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	47613.24 AI				2081.88	
11/17/06	10/01/05 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	48935.83 AI				2139.71	
11/17/06	11/01/05 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	50258.42 AI				2197.54	
11/17/06	12/01/05 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	51581.01 AI				2255.37	
11/17/06	01/01/06 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	52903.60 AI				2313.20	
11/17/06	02/01/06 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	54226.19 AI				2371.03	
11/17/06	03/01/06 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	55548.78 AI				2428.86	
11/17/06	04/01/06 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	56871.37 AI				2486.69	
11/17/06	05/01/06 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	58193.96 AI				2544.52	
11/17/06	06/01/06 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	59516.55 AI				2602.35	
11/17/06	07/01/06 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	60839.14 AI				2660.18	
11/17/06	08/01/06 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	62161.73 AI				2718.01	
11/17/06	09/01/06 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	63484.32 AI				2775.84	
11/17/06	10/01/06 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	64806.91 AI				2833.67	
11/17/06	11/01/06 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	66129.50 AI				2891.50	
Annual Total:		0.00		0.00	0.00		0.00	0.00	0.00
Escrow Paid Out:							0.00		
05/14/07	12/01/06 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	67452.09 AI				2949.33	
05/14/07	01/01/07 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	68774.68 AI				3007.16	
05/14/07	02/01/07 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	70097.27 AI				3064.99	
05/14/07	03/01/07 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	71419.86 AI				3122.82	

National Note of Utah, LC
 1549 West 7800 South
 West Jordan, UT 84088
 801-566-7337 Julie@nationalnote.com

Payment History

Reference

Berger 95-1082HB-RC 1NNU Page 9
 Printed: 02/18/13 Period: 01/01/90 - 12/31/12

Pay Date	Due/Type	Amount	Applied/Ref	Interest	Principal	Balance	Payment/Balance		
							Escrow	Late	Svc
05/14/07	04/01/07 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	72742.45 AI				3180.65	
05/14/07	05/01/07 R	0.00	0.00	0.00	0.00	88172.85	0.00	0.00	0.00
			4PAYOFF	74065.04 AI				3238.48	
05/15/07	P	40000.00	40000.00	36761.52	0.00	88172.85	0.00	3238.48	0.00
			1183	37912.28 AI					
05/15/07	P	30381.92	30381.92	30381.92	0.00	88172.85	0.00	0.00	0.00
			3811	7530.36 AI					
06/15/07	06/01/07 R	43000.00	1214.36	1156.53	0.00	88172.85	0.00	57.83	0.00
			1002	7113.03 AI					
06/15/07	P	0.00	41785.64	7113.03	34672.61	53500.24	0.00	0.00	0.00
			1002						
06/29/07	Y	54238.98	54238.98	738.74	53500.24	0.00	0.00	0.00	0.00
			1002						
Annual Total:		167620.90		76151.74	88172.85		0.00	3296.31	0.00
Escrow Paid Out:							0.00		
Report Total:		243940.67		149372.22	45000.00		0.00	6340.60	55.00
Escrow Paid Out:							0.00		
Balances:						0.00	0.00	0.00	0.00

Payment types: R: Regular; r: Part pmt; P: Principal; L: Late; S: Service; E, T, I: Escrow, Tax, Ins; F: Returned chk or reversal; J: Adjustment; AI: Accrued Interest
 Financial counseling is available at www.HUD.gov. Choose Resources, then HUD Approved Housing Counseling Agencies.

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

R. Wayne Klein, as Receiver

DEFENDANTS

Hans Berger, and John Does 1-5,

(b) County of Residence of First Listed Plaintiff Salt Lake
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Salt Lake
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Peggy Hunt
Dorsey & Whitney, LLP
136 South Main Street #1000, SLC, UT 84101; 801-933-7360

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 754

Brief description of cause:
Recovery of the value of transfers from Defendant for the benefit of the receivership estate.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 30,381.92 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Jenkins DOCKET NUMBER 2:12-cv-00591

DATE 6/20/13 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____