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Attorneys for Court-Appointed Receiver R. Wayne Klein

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

SECURITIES AND EXCHANGE COMMISSION, Plaintiff v. NATIONAL NOTE OF UTAH, LC, a Utah Limited Liability Company and WAYNE LaMAR PALMER, an individual, Defendants.	RECEIVER'S MOTION FOR ORDER TO SHOW CAUSE AS TO WHY DAVID C. VANCAMPEN SHOULD NOT BE HELD IN CONTEMPT AND MEMORANDUM IN SUPPORT 2:12-cv-00591 BSJ The Honorable Bruce S. Jenkins
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R. Wayne Klein, the Court-Appointed Receiver in the above captioned case (the "Receiver"), by and through his counsel of record, hereby files this *Motion for Order to Show Cause as to Why David C. VanCampen Should Not Be Held in Contempt and Memorandum in Support* (the "Motion").

This Motion is supported by the *Declaration of Chris Martinez* (the "Martinez Declaration"), which has been filed concurrently herewith. A proposed Order is submitted herewith and attached hereto as **Exhibit A**.

MEMORANDUM IN SUPPORT

I.

FACTUAL BACKGROUND

1. On June 25, 2011, the above-captioned case was commenced by the Securities and Exchange Commission against Defendants National Note of Utah, LC (“NNU”) and Wayne L. Palmer (“Palmer”) (collectively, the “Receivership Defendants”), and in conjunction therewith the Court entered, in relevant part, an *Order Appointing Receiver and Staying Litigation* (the “Receivership Order”).¹ Pursuant to the Receivership Order, the Receiver was appointed, and NNU, forty-one of its affiliated companies (the “Palmer Entities”) (collectively for purposes of this Motion, “NNU”), and all Palmer’s assets were placed in the Receiver’s control.²

2. The Court has directed and authorized the Receiver to, among other things, do the following:

- “[D]etermine the nature, location and value of all property interests of the Receivership Defendants and the Palmer Entities . . . [.]”³
- “To take custody, control and possession of all Receivership Property and records . . . [.]”⁴
- “To use Receivership Property for the benefit of the Receivership Estates and hold in his possession, custody and control all Receivership Property, pending further Order of this Court[.]”⁵

¹ Docket No. 9 (Receivership Order).

² See generally, *id.*

³ *Id.* at ¶ 7(A).

⁴ *Id.* at ¶ 7(B).

⁵ *Id.* at ¶ 7(D).

- “[T]o take immediate possession of all real property of the Receivership Defendants and the Palmer Entities”⁶
- “[T]ransfer, compromise, or otherwise dispose of any Receivership Property, other than real estate, in the ordinary course of business, on the terms and in the manner the Receiver deems most beneficial to the Receivership Estate, and with due regard to the realization of the true and proper value of such Receivership Property.”⁷
- “[L]ocate, list for sale or lease, engage a broker for sale or lease, cause the sale or lease, and take all necessary and reasonable actions to cause the sale or lease of all real property in the Receivership Estates, either at public or private sale, on terms and in the manner the Receiver deems most beneficial to the Receivership Estate, and with due regard to the realization of the true and proper value of such real property.”⁸
- “[S]ell, and transfer clear title to, all real property in the Receivership Estates” upon order of the Court “pursuant to procedures as may be required by this Court and additional authority such as 28 U.S.C. §§ 2001 and 2004.”⁹

3. Since his appointment, the Receiver has conducted an extensive investigation of the business of NNU. In the course of that investigation, the Receiver discovered documents and records indicating that NNU had attempted to purchase “Alluvial Gold Dust” from an individual residing in Ghana, Africa.

4. In furtherance of NNU’s attempt to purchase this Alluvial Gold Dust, the books and records of NNU indicate that in excess of \$200,000.00 was wired or sent to financial institutions located in Ghana.

5. The books and records of NNU indicate that NNU did not receive any Alluvial Gold Dust.

6. The books and records of NNU indicate that David C. VanCampen was involved

⁶ *Id.* at ¶ 19.

⁷ *Id.* at ¶ 37.

⁸ *Id.* at ¶ 38.

⁹ *Id.* at ¶ 39.

in NNU's efforts to purchase the Alluvial Gold Dust and that Mr. VanCampen, and/or a person related to Mr. VanCampen, may have withdrawn or otherwise obtained a portion of the funds that were transferred from NNU to financial institutions in Ghana.

7. To discover more information about NNU's attempts to purchase Alluvial Gold Dust, the disposition of the funds transferred to Ghana, and Mr. VanCampen's involvement in the Alluvial Gold Dust transactions, the Receiver issued a subpoena on Mr. VanCampen (the "Subpoena").¹⁰ The Subpoena required Mr. VanCampen to produce documents related to NNU's attempted purchase of Alluvial Gold Dust and Mr. VanCampen's involvement in this attempted purchase. The Subpoena also required Mr. VanCampen to appear for a deposition.¹¹ A copy of the Subpoena is attached hereto as **Exhibit B**.

8. Mr. VanCampen was personally served with the Subpoena on April 22, 2014.¹² The Affidavit of Service is attached hereto as **Exhibit C**.

9. Shortly after the Subpoena was served, the Receiver's counsel was contacted by Dana Facemyer. Mr. Facemyer stated that Mr. VanCampen worked at Mr. Facemyer's law firm and that he was calling to discuss Mr. Van Campen's response to the Subpoena.¹³

10. Mr. Facemyer and the Receiver's counsel agreed that if Mr. VanCampen produced the documents identified in the Subpoena, the Receiver would continue Mr. VanCampen's deposition until the Receiver had reviewed the documents and determined whether the documents sufficiently answered the Receiver's questions.¹⁴ Mr. Facemyer and the

¹⁰ See Martinez Declaration at ¶ 3.

¹¹ *Id.*

¹² *Id.* at ¶ 4.

¹³ *Id.* at ¶ 5.

¹⁴ *Id.* at ¶ 6.

Receiver's counsel agreed that the documents would be produced by May 21, 2014.¹⁵

11. Mr. VanCampen did not produce the documents by May 21, 2014. Accordingly, the Receiver's counsel contacted Mr. Facemyer and Mr. Facemyer indicated that Mr. VanCampen would produce the documents shortly.¹⁶ Mr. VanCampen, however, did not produce the documents. The Receiver's counsel again contacted Mr. Facemyer and agreed to an additional extension of time for Mr. VanCampen to produce the documents. Again, Mr. VanCampen failed to produce documents responsive to the Subpoena. To date, the documents have not been produced.¹⁷

II.

ARGUMENT

Federal Rule of Civil Procedure 45(g) provides that the court "may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena." Mr. VanCampen has failed to respond to the Subpoena, despite being given multiple extensions of time to respond. It is respectfully submitted that the Court should issue an Order as proposed in **Exhibit A** requiring Mr. VanCampen to produce the documents responsive to the Subpoena, appear for any deposition required by the Receiver, and explain why he should not be held in contempt.

A person may be held in contempt of court if it is proven by clear and convincing evidence that (1) the court's order is valid and sufficiently specific; (2) the enjoined party had

¹⁵ *Id.*

¹⁶ *Id.* at ¶ 7.

¹⁷ *Id.*

“actual knowledge” of the order; and (3) the enjoined party disobeyed the order.¹⁸ In civil contempt proceedings, “disobedience of the order need not be willful.”¹⁹ Rather, a person can be held in contempt for “failure to be reasonably diligent and energetic in attempting to accomplish what was ordered.”²⁰ Applying this test, the Receiver has met his burden of establishing that Mr. VanCampen is in contempt.

First, the Subpoena qualifies as an order for purposes of contempt proceedings,²¹ and is valid and sufficiently specific. The Subpoena required the production of certain categories of documents and required that production by a certain date. Mr. VanCampen has failed to produce any documents requested in the Subpoena.

Second, Mr. VanCampen had actual knowledge of the Subpoena, as he was personally served with the same.²²

Third, Mr. VanCampen continues to disobey the Subpoena as he has repeatedly failed to produce the requested documents.

Having established all three factors, Mr. VanCampen now has the burden to show otherwise.²³ Accordingly, the Receiver requests that the Court order Mr. VanCampen to appear

¹⁸ See, e.g., *Clearone Communications, Inc. v. Bowers*, 651 F.3d 1200, 1210 (10th Cir. 2011); *SEC v. Art Intellect, Inc.*, 2011 WL 5553647, 8-9 (D. Utah 2011).

¹⁹ *Art Intellect, Inc.*, 2011 WL 5553647 at 8-9.

²⁰ *Bad Ass Coffee Co. of Hawaii, Inc. v. Bad Ass Ltd. P'ship*, 95 F.Supp.2d 1252, 1256 (D. Utah 2000).

²¹ See *S.E.C. v. Hyatt*, 621 F.3d 687, 692 -693 (7th Cir. 2010) (stating that Rule 45 speaks directly to the power of the district court to hold the recipient of a subpoena in contempt); *Pennwalt Corp. v. Durand-Wayland, Inc.*, 708 F.2d 492, 494 (9th Cir. 1983) (“a subpoena duces tecum is itself a court order”); See also Fed. R. Civ. Proc. 45 advisory committee's note (1991 amend.) (stating that “defiance of a subpoena is nevertheless an act in defiance of a court order and exposes the defiant witness to contempt sanctions”).

²² See Exh. C (Affidavit of Service).

and show cause as to why he believes he is not in contempt and why he should not be sanctioned for his contempt, including being ordered to pay the Receiver's reasonable fees and costs in attending to this matter and being forced to bring the Motion. The Receiver will provide a separate declaration of his fees and costs if the Court determines that this is appropriate relief.

III.

CONCLUSION

For the foregoing reasons, the Receiver requests that this Court grant this Motion, thus ordering Mr. VanCampen to appear and show cause as to why he should not be held in contempt for failing to comply with the Subpoena.

DATED this ____ day of September, 2014.

DORSEY & WHITNEY LLP

/s/ Peggy Hunt
Peggy Hunt
Chris Martinez

Attorneys for R. Wayne Klein, Receiver

²³ See, e.g., *Clearone Communications*, 651 F.3d at 1210.

CERTIFICATE OF SERVICE

I hereby certify that the above RECEIVER'S MOTION FOR ORDER TO SHOW CAUSE AS TO WHY DAVID C. VANCAMPEN SHOULD NOT BE HELD IN CONTEMPT AND MEMORANDUM IN SUPPORT was filed with the Court this 22 day of September, 2014 and served via U.S. Mail on the following:

David C. VanCampen
123 S. Main, Suite 8
Heber City, Utah 84032

Dana Facemyer
123 S. Main, Suite 8
Heber City, Utah 84032

/s/ Chris Martinez

EXHIBIT A

Peggy Hunt (Utah State Bar No. 6060)
Chris Martinez (Utah State Bar No. 11152)
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

Attorneys for Court-Appointed Receiver R. Wayne Klein

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

SECURITIES AND EXCHANGE COMMISSION, Plaintiff v. NATIONAL NOTE OF UTAH, LC, a Utah Limited Liability Company and WAYNE LaMAR PALMER, an individual, Defendants.	ORDER TO SHOW CAUSE AS TO WHY DAVID C. VANCAMPEN SHOULD NOT BE HELD IN CONTEMPT 2:12-cv-00591 BSJ The Honorable Bruce S. Jenkins
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The matter before the Court is the *Receiver's Motion for Order to Show Cause as to Why David C. VanCampen Should Not Be Held in Contempt and Memorandum in Support* (the "Motion") filed by R. Wayne Klein, the Court-appointed Receiver (the "Receiver") in the above captioned case.

The Court has reviewed the Motion, the *Declaration of Chris Martinez in Support of the Motion*, all other papers filed related thereto, and applicable law. Based thereon, and for good cause shown,

IT IS HEREBY ORDERED that:

- (1) The Motion is **GRANTED**;
- (2) Within five days of being served with this Order, David C. VanCampen must

produce all documents in his possession, custody, or control that are responsive to the subpoena issued by the Receiver;

(3) Within five days of being served with this Order, David C. VanCampen must contact the Receiver to schedule the date and time for his deposition, which shall occur not later than 10 days after service of this Order, at the offices of Dorsey & Whitney LLP, 136 South Main Street, Suite 1000, Salt Lake City, Utah; and

(4) David C. VanCampen must appear before the Court on the ____ day of _____, 2014 at _____ and explain why he should not be held in contempt and be required to pay the Receiver's fees and costs in this matter.

DATED this ____ day of _____, 2014.

BY THE COURT:

The Honorable Bruce S. Jenkins
U.S. District Court Judge

EXHIBIT B

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Utah

SERVED DAVID VAN CAMPEN TITLE WP
 DATE 4/22/14 TIME 0840
CR
 WASATCH INVESTIGATIONS, INC. #P100877
 P.O. BOX 702172 SLC, UT 84170 (801) 773-8220

Securities and Exchange Commission

Plaintiff

v.

National Note of Utah, L.C., et al.

Defendant

Civil Action No. 2:12-cv-00591 BSJ

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

David C. VanCampen
 Facemyer Law Firm, 123 S. Main, Suite 8, Heber City, UTah 84032

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:
 See attached exhibit B.

Place: Dorsey & Whitney, LLP
 136 S. Main Street #1000
 Salt Lake City, Utah 84101

Date and Time:
 05/13/2014 9:00 am

The deposition will be recorded by this method: _____

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See attached Exhibit A.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 4/18/2014
 CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____
 R. Wayne Klein, Receiver, who issues or requests this subpoena, are:

Chris Martinez, Dorsey & Whitney, 136 S. Main St. #1000, SLC UT 84101; 801-933-8940; martinez.chris@dorsey.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

A

EXHIBIT A

1. All documents showing or relating to any money or funds transferred to David Christopher VanCampen ("You") from Emmanuel Lartey ("Lartey"), Homeland Holding Corp. ("Homeland"), Reed Larsen ("Larsen"), Old Glory Minting Company LLC ("Old Glory"), Higher Elevation LLC ("Higher Elevation"), National Note of Utah, LC ("National Note"), and/or Wayne Palmer ("Palmer").
2. All correspondence, including emails, discussing any money transferred to You from Lartey, Homeland, Larsen, Old Glory, Higher Elevation, National Note, and/or Palmer.
3. All documents or correspondence, including emails, relating to Fidelity Bank account #1061023075570, including all bank statements, withdrawal receipts, or deposit slips. *See* account statements attached as Exhibit 1.
4. All documents or correspondence, including emails, relating to Fidelity Bank account #2030023075587, including all bank statements, withdrawal receipts, or deposit slips. *See* account statements attached as Exhibit 2.
5. All documents or correspondence, including emails, discussing or relating to Your, Homeland, Larsen, Old Glory, Higher Elevation, National Note, or Palmer's acquisition or plan to acquire gold from any source in Ghana.
6. Attached hereto as Exhibit 3 is a list of funds transferred to the Fidelity Bank accounts #1061023075570 and #2030023075587. Produce all documents or correspondence, including emails, discussing or relating to these fund transfers, the reason for these fund transfers, and how these funds were subsequently spent, transferred, or used.
7. All documents or correspondence, including emails, with Lartey, Homeland, Larsen, Old Glory, Higher Elevation, National Note, Palmer, General Maliko, Noriko Van Campen, Margaret Dennis, "Barrus", and/or Ben Coffie.
8. Any agreements between You, on the one hand, and Lartey, Homeland, Larsen, Old Glory, Higher Elevation, National Note, or Palmer, on the other hand.
9. All documents or correspondence, including emails, showing or relating to any gold acquired with funds transferred from Lartey, Homeland, Larsen, Old Glory, Higher Elevation, National Note, or Palmer.
10. All correspondence or documents related to the Certificates of Ownership attached hereto as Exhibit 4.
11. Any employment agreements, contractor agreements, or any other agreement between You and Higher Elevation.
12. All documents or correspondence, including emails, related to the transfer of \$1,000.00 to Noriko VanCampen. *See* Exhibit 5.

B

EXHIBIT B

1. All money or funds transferred to David Christopher VanCampen ("You") from Emmanuel Lartey ("Lartey"), Homeland Holding Corp. ("Homeland"), Reed Larsen ("Larsen"), Old Glory Minting Company LLC ("Old Glory"), Higher Elevation LLC ("Higher Elevation"), National Note of Utah, LC ("National Note"), and/or Wayne Palmer ("Palmer").
2. The reason why money or funds were transferred to You from Lartey, Homeland, Larsen, Old Glory, Higher Elevation, National Note, and/or Palmer.
3. Fidelity Bank account #1061023075570. *See* account statements attached as Exhibit 1.
4. The reason why money or funds were transferred to Fidelity Bank account #1061023075570 from Lartey, Homeland, Larsen, Old Glory, Higher Elevation, National Note, and/or Palmer.
5. Fidelity Bank account #2030023075587. *See* account statements attached as Exhibit 2.
6. The reason why money or funds were transferred to Fidelity Bank account #2030023075587 from Lartey, Homeland, Larsen, Old Glory, Higher Elevation, National Note, and/or Palmer.
7. Your, Homeland, Larsen, Old Glory, Higher Elevation, National Note, and/or Palmer's acquisition or plan to acquire gold from any source in Ghana.
8. Attached hereto as Exhibit 3 is a list of funds transferred to the Fidelity Bank accounts #1061023075570 and #2030023075587. The reason for these fund transfers and how these funds were subsequently spent, transferred, or used.
9. Any agreements between You, on the one hand, and Lartey, Homeland, Larsen, Old Glory, Higher Elevation, National Note, or Palmer, on the other hand.
10. Any gold acquired with funds from Lartey, Homeland, Larsen, Old Glory, Higher Elevation, National Note, or Palmer.
11. The Certificates of Ownership attached hereto as Exhibit 4.
12. Any employment agreements, contractor agreements, or any other agreement between You and Higher Elevation.
13. The transfer of \$1,000.00 to Noriko VanCampen. *See* Exhibit 5.

EMMANUEL LARTEI LARTEY

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1-Jan-2010 To 03-JUN-2013

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A AND C MALL					
18-May-2011	A AND C MALL BRANCH: CASH DEPOSIT; CASH DEPOSIT	18-May-2011		3,420.00	3,420.00
18-May-2011	A AND C MALL BRANCH: CASH DEPOSIT; CASH DEPOSIT	18-May-2011		-3,420.00	0.00
28-Jun-2011	HEAD OFFICE: INWARD REMITTANCES; SERVICES-HOMELAND HOLDING CORP USA INWARD REMITTANCE Credit Ac.=1061023075570 (EMMANUEL LARTEI LARTEY) Debit Ac.=9001006707579 (CITI BANK NEW YORK NOSTRO ACC USD)	28-Jun-2011		95,500.00	95,500.00
30-Jun-2011	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-Jul-2011		1.07	95,501.07
30-Jun-2011	HEAD OFFICE: INWARD REMITTANCES; SERVICES-HIGHER ELEVATION LLC U.S.A INWARD REMITTANCE Credit Ac.=1061023075570 (EMMANUEL LARTEI LARTEY) Debit Ac.=9001006707579 (CITI BANK NEW YORK NOSTRO ACC USD)	30-Jun-2011		100,000.00	195,501.07
04-Jul-2011	A AND C MALL BRANCH: INTERNAL TRANSFERS: USD FX @ 1.500 B/O SELF Credit Ac.=2030023075587 (EMMANUEL LARTEI LARTEY) Debit Ac.=1061023075570 (EMMANUEL LARTEI LARTEY)	04-Jul-2011	100,000.00		95,501.07
04-Jul-2011	A AND C MALL BRANCH: INTERNAL TRANSFERS: USD FX @ 1.500 B/O SELF Credit Ac.=2030023075587 (EMMANUEL LARTEI LARTEY) Debit Ac.=1061023075570 (EMMANUEL LARTEI LARTEY)	04-Jul-2011	90,500.00		5,001.07
08-Jul-2011	A AND C MALL BRANCH: CASH WITHDRAWAL; IFO CHRIS VAN CAMPEN COUNTER CHQ# 020709	08-Jul-2011	1,500.00		3,501.07

30-Jul-2011	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-Aug-2011		1.78	3,502.85
30-Aug-2011	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-Sep-2011		0.15	3,503.00
30-Sep-2011	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-Oct-2011		0.15	3,503.15
31-Oct-2011	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-Nov-2011		0.15	3,503.30
30-Nov-2011	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-Dec-2011		0.15	3,503.45
31-Dec-2011	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-Jan-2012		0.15	3,503.60
31-Jan-2012	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-Feb-2012		0.15	3,503.75
29-Feb-2012	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-Mar-2012		0.14	3,503.89
31-Mar-2012	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-Apr-2012		0.15	3,504.04
30-Apr-2012	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-May-2012		0.15	3,504.19
31-May-2012	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-Jun-2012		0.15	3,504.34
30-Jun-2012	A AND C MALL BRANCH: INTEREST; CREDIT INTERST ON FCY (EU-US)	01-Jul-2012		0.15	3,504.49

EMMANUEL LARTEI LARTEY

P O BOX LT 38

ACCRA

LATERBIOKORSHE

ACCRA

A AND C MALL

GHS

2030023075587

1-Jan-2010 To 03-JUN-2013

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09-May-2011	A AND C MALL BRANCH: CASH DEPOSIT; CASH DEPOSIT	09-May-2011		50.00	50.00
16-May-2011	RIDGE TOWER BRANCH: ENDORSED BILLS SOLD; IBANK SERVICE CHARGE FOR APR	16-May-2011	2.00		48.00
17-May-2011	A AND C MALL BRANCH: CASH WITHDRAWAL; IFO SELF	17-May-2011	70,000.00		-69,952.00
17-May-2011	ACTION CHAPEL BRANCH: CASH WITHDRAWAL; IFO SELF	17-May-2011	46,000.00		-115,952.00
17-May-2011	HEAD OFFICE: INWARD REMITTANCES; SERVICES-HOMELAND HOLDING CORP,USA INWARD REMITTANCE Credit Ac.=2030023075587 (EMMANUEL LARTEI LARTEY) Debit Ac.=9001006707579 (CITI BANK NEW YORK NOSTRO ACC USD)	17-May-2011		117,776.10	1,824.10
18-May-2011	A AND C MALL BRANCH: CASH DEPOSIT; CASH DEPOSIT	18-May-2011		3,420.00	5,244.10
31-May-2011	A AND C MALL BRANCH: INTEREST; SAVINGS ACCOUNT CREDIT INTEREST	01-Jun-2011		9.25	5,253.35
06-Jun-2011	RIDGE TOWER BRANCH: E-BANKING CHARGE; EBANKING SERVICE CHARGE FOR MAY	06-Jun-2011	2.00		5,251.35

	Description	Date	Debit	Credit	Balance
27-Jun-2011	RIDGE TOWER BRANCH: E-BANKING CHARGE; EBANKING BUNDLE SERVICE CHARGE FOR JUN	27-Jun-2011	2.50		5,248.85
30-Jun-2011	A AND C MALL BRANCH: INTEREST; SAVINGS ACCOUNT CREDIT INTEREST	01-Jul-2011		19.43	5,268.28
04-Jul-2011	A AND C MALL BRANCH: CASH WITHDRAWAL; IFO CHRIST VAN CAMPEN	04-Jul-2011	149,500.00		-144,231.72
04-Jul-2011	A AND C MALL BRANCH: CASH WITHDRAWAL; IFO CHRIST VAN CAMPEN	04-Jul-2011	135,297.50		-279,529.22
04-Jul-2011	A AND C MALL BRANCH: CASH WITHDRAWAL; IFO SELF	04-Jul-2011	1,200.00		-280,729.22
04-Jul-2011	A AND C MALL BRANCH: INTERNAL TRANSFERS; USD FX @ 1.500 B/O SELF Credit Ac.=2030023075587 (EMMANUEL LARTEI LARTEY) Debit Ac.=1061023075570 (EMMANUEL LARTEI LARTEY)	04-Jul-2011		150,000.00	-130,729.22
04-Jul-2011	A AND C MALL BRANCH: INTERNAL TRANSFERS; USD FX @ 1.500 B/O SELF Credit Ac.=2030023075587 (EMMANUEL LARTEI LARTEY) Debit Ac.=1061023075570 (EMMANUEL LARTEI LARTEY)	04-Jul-2011		135,750.00	5,020.78
06-Jul-2011	A AND C MALL BRANCH: CASH WITHDRAWAL; BALANCE INQUIRY	06-Jul-2011	1,500.00		3,520.78
06-Jul-2011	A AND C MALL BRANCH: CASH WITHDRAWAL; ifo chris van campen	06-Jul-2011	500.00		3,020.78
06-Jul-2011	A AND C MALL BRANCH: CASH WITHDRAWAL; IFO CHRIS VAN CAMPEN	06-Jul-2011	300.00		2,720.78
07-Jul-2011	A AND C MALL BRANCH: CASH WITHDRAWAL; IFO CHRIS VAN CAMPEN	07-Jul-2011	1,500.00		1,220.78
08-Jul-2011	A AND C MALL BRANCH: CASH WITHDRAWAL; IFO CHRIS VAN CAMPEN	08-Jul-2011	300.00		920.78

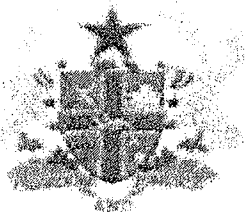
Aug 12 10 11					
08-Jul-2011	A AND C MALL BRANCH: MISCELLANEOUS DEBIT; COMM IRO COUNTER CHQ # 020709 ISSUED ON ACCT # 1061023075570	08-Jul-2011	5.00		915.78
09-Jul-2011	ACTION CHAPEL BRANCH: CASH WITHDRAWAL; IFO CHRIS VANCAMPEN	09-Jul-2011	900.00		15.78
30-Jul-2011	A AND C MALL BRANCH: INTEREST; SAVINGS ACCOUNT CREDIT INTEREST	01-Aug-2011		3.72	19.50
01-Aug-2011	RIDGE TOWER BRANCH: E-BANKING CHARGE; EBANKING BUNDLE SERVICE CHARGE FOR JULY	01-Aug-2011	2.50		17.00
29-Aug-2011	RIDGE TOWER BRANCH: E-BANKING CHARGE; EBANKING BUNDLE SERVICE CHARGE FOR AUGUST	29-Aug-2011	2.50		14.50
30-Aug-2011	A AND C MALL BRANCH: INTEREST; SAVINGS ACCOUNT CREDIT INTEREST	01-Sep-2011		0.04	14.54
30-Sep-2011	A AND C MALL BRANCH: INTEREST; SAVINGS ACCOUNT CREDIT INTEREST	01-Oct-2011		0.04	14.58
17-Oct-2011	RIDGE TOWER BRANCH: E-BANKING CHARGE; EBANKING BUNDLED SERVICE CHARGE FOR SEPTEMBER	17-Oct-2011	2.50		12.08
31-Oct-2011	A AND C MALL BRANCH: INTEREST; SAVINGS ACCOUNT CREDIT INTEREST	01-Nov-2011		0.04	12.12
31-Oct-2011	RIDGE TOWER BRANCH: E-BANKING CHARGE; EBANKING BUNDLED SERVICE CHARGE FOR OCTOBER	31-Oct-2011	2.50		9.62
28-Nov-2011	RIDGE TOWER BRANCH: E-BANKING CHARGE; EBANKING BUNDLED SERVICE CHARGE FOR NOVEMBER	28-Nov-2011	2.50		7.12
30-Nov-2011	A AND C MALL BRANCH: INTEREST; SAVINGS ACCOUNT CREDIT INTEREST	01-Dec-2011		0.02	7.14

Statement of Financial Position					
31-Dec-2011	A AND C MALL BRANCH: INTEREST; SAVINGS ACCOUNT CREDIT INTEREST	01-Jan-2012		0.02	7.16
31-Dec-2011	RIDGE TOWER BRANCH: E-BANKING CHARGE; EBANKING BUNDLED SERVICE CHARGE FOR DECEMBER	31-Dec-2011	2.50		4.66
31-Jan-2012	A AND C MALL BRANCH: INTEREST; SAVINGS ACCOUNT CREDIT INTEREST	01-Feb-2012		0.01	4.67
06-Feb-2012	RIDGE TOWER BRANCH: E-BANKING CHARGE; EBANKING BUNDLED SERVICE CHARGE FOR JANUARY	06-Feb-2012	2.50		2.17
27-Feb-2012	RIDGE TOWER BRANCH: E-BANKING CHARGE; EBANKING BUNDLED SERVICE CHARGE FOR FEBRUARY	27-Feb-2012	2.17		0.00
29-Feb-2012	A AND C MALL BRANCH: INTEREST; SAVINGS ACCOUNT CREDIT INTEREST	01-Mar-2012		0.01	0.01
14-May-2012	RIDGE TOWER BRANCH: E-BANKING CHARGE; EBANKING BUNDLED SERVICE CHARGE FOR APRIL	14-May-2012	0.01		0.00

TRANSFERS:

1. \$1,000 to Noriko VanCampen in May 2011;
2. \$78,780 wired in May 2011 to Fidelity Bank in Ghana from Homeland Holdings Corp.;
3. \$8,000 sent in May 2011 to David Christopher VanCampen in Ghana via MoneyGram;
4. \$95,500 wired in June 2011 to Fidelity Bank from Homeland Holdings, Corp.;
5. \$100,000 wired in June or July 2011 to Fidelity Bank from Higher Elevations, LLC.

S/N:008880354



REG NO. MOT/NT/180/CHA/02/10

REPUBLIC OF GHANA
Ministry of Foreign Affairs
P. O Box M53, Accra Ghana

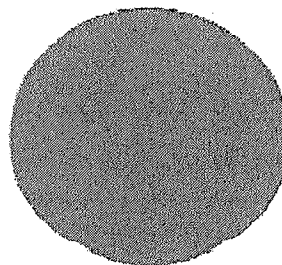
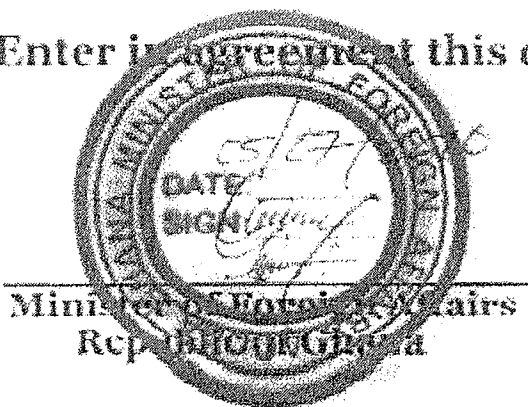
CERTIFICATE OF ORIGIN

I hereby certify that the owner of 100kilo gram of Alluvial Gold Dust with registration no: GHA/o/G-7729 has been duly certified by the government of the Republic of Ghana as a registered member of the Ghana Ministry of Foreign Affairs Ghana the 100kilo gram of Alluvial Gold Dust is originally from the Republic of Ghana the bearer of this certificate should be allowed free access and be treated accordingly in all diplomatic immunity he will deserve during transfer of the goods.

Name: Gen. Shendam Maliko

Country of Origin: Republic of Ghana

Enter in agreement this day the 05th July, 2010.

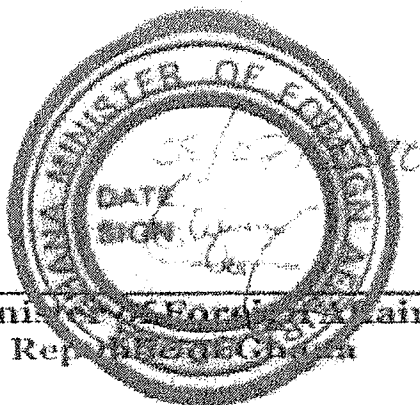


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REPUBLIC OF GHANA
Ministry of Foreign Affairs
P. O Box M53, Accra Ghana

GEN. SHENDAM MALIKO

Issued this day the 05th July, 2010.



Ministry of Foreign Affairs
Republic of China

5/6/11

Noriko VanCampen

**1,000.00

One Thousand and 00/100*****

Chris VanCampen

Noriko VanCampen

5/6/11

1,000.00

Key TRUST 16141

1,000.00

Noriko VanCampen

5/6/11

1,000.00

Key TRUST 16141

1,000.00

Civil Action No. 2:12-cv-00591 BSJ

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

EXHIBIT C

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of UtahSERVED DAVID VAN CAMPEN TITLE WP
DATE 4/22/14 TIME 0840WASATCH INVESTIGATIONS, INC. #P100877
P.O. BOX 702172 SLC, UT 84170 (801) 773-8220

Securities and Exchange Commission

Plaintiff

v.

National Note of Utah, L.C., et al.

Defendant

Civil Action No. 2:12-cv-00591 BSJ

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

David C. VanCampen
Facemyer Law Firm, 123 S. Main, Suite 8, Heber City, Utah 84032

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:
See attached exhibit B.

Place: Dorsey & Whitney, LLP 136 S. Main Street #1000 Salt Lake City, Utah 84101	Date and Time: 05/13/2014 9:00 am
--	--------------------------------------

The deposition will be recorded by this method: _____

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See attached Exhibit A.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date:

4/18/2014

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____

R. Wayne Klein, Receiver, who issues or requests this subpoena, are:

Chris Martinez, Dorsey & Whitney, 136 S. Main St. #1000, SLC UT 84101; 801-933-8940; martinez.chris@dorsey.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88 (Rev. 12/13) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action (page 2)

Civil Action No. 2:12-cv-00591 BSJ

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* David C. VanCampen
 on *(date)* 04/14/2014.

☒ I served the subpoena by delivering a copy to the named person as follows: In hand personally to David C.
VanCampen at 725 North Morgan Valley Drive, Morgan, UT
at 08:40 AM on *(date)* 04/22/2014 ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ 50.00 for travel and \$ 15.00 for services, for a total of \$ 65.00.

I declare under penalty of perjury that this information is true.

Date: 04/22/2014



Server's signature

Charles Reardon, Process Server

Printed name and title

124 West 1400 South
STE 207
Salt Lake City, UT 84115

Server's address

Additional information regarding attempted service, etc.: