

AO 110 (Rev. 12/89) Subpoena to Testify Before Grand Jury

# United States District Court

FOR DISTRICT OF KANSAS

TO: David C. And Beth G. Wittig

## SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:

PERSON

DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE  Federal Building 500 State Avenue, Suite 360 Kansas City, KS 66101	COURTROOM  Suite 360
	DATE AND TIME  July 24, 2002 — 8:30 a.m.

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):\*

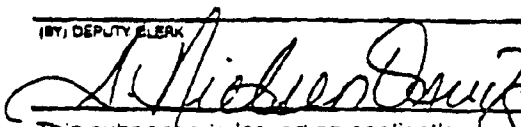
See the attached list for the specific records that are being subpoenaed.

**NOTE:** This subpoena is issued pursuant to a Federal Grand Jury investigation. You are requested not to disclose the issuance of this subpoena except to such officers and employees necessary to the disclosure and production of the listed records.

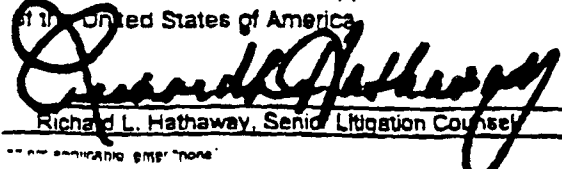
**IN LIEU OF YOUR PERSONAL APPEARANCE BEFORE THE FEDERAL GRAND JURY,** the requested material is to be sealed, mailed and addressed to: Richard L. Hathaway, Senior Litigation Counsel, 444 S.E. Quincy-Room 290 Topeka, KS 66683. If the above documents have not been received on or before July 24, 2002, you must appear personally before the grand jury at the designated date and time to provide testimony concerning said documents.

Please see additional information on reverse

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK  RALPH L. DeLOACH	DATE  July 16, 2002
(BY) DEPUTY CLERK  	

This subpoena is issued on application of the United States of America



Richard L. Hathaway, Senior Litigation Counsel

NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY

Richard L. Hathaway, Senior Litigation Counsel  
 444 SE Quincy-Rm. 290, Topeka, KS 66683  
 (785) 291-2850

**Attachment "A" to Subpoena to David C. and Beth G. Wittig**

You are to provide the originals of the following documents to the extent they exist:

- 1) All applications and agreements with Capital City Bank, Topeka Kansas, for a line or lines of credit.
- 2) All applications and agreements with Capital City Bank, Topeka Kansas, for extensions of a line or lines of credit.
- 3) All correspondence or memorandum of contacts with Capital City Bank, Topeka Kansas, or any representative thereof, concerning the foregoing line[s] of credit[s].
- 4) All correspondence, instructions, memoranda or any other documentation whatsoever concerning the deposit, withdrawal and wire transfer of \$1,500,000 from your account at Capital City Bank, Topeka, Kansas on April 30, 2001.
- 5) All correspondence, instructions, memoranda or any other documentation whatsoever concerning how these proceeds were transferred, used or invested.
- 6) All correspondence, instructions, memoranda or any other documentation whatsoever concerning loans made by you to Clinton O'Dell ("Del") Weidner, or discussed with him.
- 7) All correspondence, instructions, memoranda or any other documentation whatsoever, concerning the receipt of a wire transfer into your account at Capital City Bank, Topeka, on or about April 1, 2002, in the amount of \$1,500,000, including but not limited to:
  - a) the source of these proceeds;
  - b) your entitlement to these proceeds.
  - c) requests or demands by Capital City Bank or Clinton O'Dell ("Del") Weidner for payment or repayment of these proceeds.
- 8) All correspondence, instructions, memoranda or any other documentation whatsoever evidencing any interest you have or have had in Sierra Homes, LLC; Sierra Holdings, LLC; Sierra Financial Advisors; and, Scottsdale Sierra Eagle Ridge, LLC, or any property obtained therefrom.