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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10 United States of America,
11
12 Plaintiff,
13
14 v.
15 Janice Sue Taylor,
16
17 Defendant.

No. CR-10-0400-PHX-DGC
**GOVERNMENT'S SUPPLEMENT
TO MOTION FOR PRETRIAL
DETERMINATION OF
ADMISSIBILITY**

16 The United States, through undersigned counsel, supplements its March 27, 2011, motion
17 for a pretrial determination of admissibility. The United States seeks to lay the appropriate
18 business records foundation for the following exhibits through certificates attached to its March
19 27, 2011, motion:

<u>Exhibit</u> ^{1/}	<u>Related Certificate and Custodian</u>
150-151	Meridian Bank, Eric Stellhorn, 4/19/2010
152-153	Meridian Bank, Gayle Fleming, 11/8/2007
154	Meridian Bank, Eric Stellhorn, 7/22/2008
155	Bank of America, Evelyn Reinoso, 4/15/2010
156-157	Bank of America, Evelyn Reinoso, 10/7/2008
158	Great Western Bank, Irene Sedillo, 1/21/2009
159	JP Morgan Chase, Stacey Collins, 7/30/2008
160	Meridian Bank, Eric Stellhorn, 6/4/2010
215	Western National Title, Christopher Curran, 9/21/2010
216-220	Lawyers Title (CTA), Lawrence Phelps, 2/11/2009

27
28 ^{1/} This list has been modified slightly from the list in the March 27, 2011, motion, to account for changes in the government's exhibits and exhibit list.

1 In addition, the United States seeks to lay the appropriate foundation for the following exhibits
2 based on the certificates attached to this supplemental notice.

<u>Exhibit</u>	<u>Related Certificate and Custodian</u>
3 197-198	Lawyers Title, Dolly Auvil, 4/15/2011
4 222-246	First American Title, Nicole Saenz, 4/7/2011
5 200-211	Lawyers Title, Susan Neff, 4/7/2011
6 212, 214, 247-266	Fidelity National Title, Krista Cunningham, 4/12/2011

7 The United States intends to move for admission of the records at the beginning of trial, and
8 requests an opportunity to discuss the admission of the exhibits on April 19, 2011, outside the
9 presence of the jury.

10
11 Respectfully submitted this 15th day of April, 2011.

12 DENNIS K. BURKE
13 United States Attorney
14 District of Arizona

15 *s/ James Knapp*
16 FRANK T. GALATI
17 JAMES R. KNAPP
18 Assistant U.S. Attorneys

19 Certificate of Service

20 I hereby certify that on 4/15/2011, I electronically transmitted the attached document to the
21 Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic
22 Filing to the following CM/ECF registrants:

23 Susan Anderson

24 In addition, I mailed copies of the attached document to the following:

25 Janice Sue Taylor
26 3341 Arianna Ct.
27 Gilbert, AZ 85298
28

Attachment A

**DECLARATION FOR RECORDS OF REGULARLY CONDUCTED BUSINESS
ACTIVITY**

Re: Subpoena # <u>L 53689</u>	Case No. CR-10-0400-PHX-DGC
Agency Case #:	Date Served:
Company Name: Lawyers Title of Arizona	Address:

I, Dolly A. Auvil, declare that I am employed by Lawyers Title of Arizona as an Assistant Vice President, and I have authority to certify documents, information, and records as the duly authorized Custodian of Records. I certify that the records produced on or about April 6, 2011, are a duplicate of the original(s) and that they were:

- A) Made at or near the time of the occurrence, condition or event of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.
- B) Kept in the course of regularly conducted business activity.
- C) Made as a part of the regular practice of the business activity, by personnel of the business.

The records produced herewith are identified as follows:

- Signature Cards(s) Statement(s) Cashiers' Check(s) Deposit(s)/Credit(s)/Memos
 Check(s)/Withdrawal(s) Wire Transfer(s) Forms
 Other: escrow files for 377074-700 GAL and 369168-700 GAL

Records necessary for compliance may have been limited as indicated below:

- The company **does not possess any of the records** as described in the above reference legal order.
- The enclosed records are true copies of the company records in the custodian's possession as described in the above referenced legal order. This constitutes a **final** or **partial** production.
- The company received notification that **no further production is required**. File closed.
- Compliance with the above referenced legal order was **limited to the following** through agreement with the requesting party: _____
- The company is **unable to provide the following records** as described in the above referenced legal order because of the following: _____

I declare under penalty of perjury that the foregoing is true and correct. (28 U.S.C. § 1746)

Executed on this 15th day of APRIL, 2011, at Irvine.

California, Dolly A. Auvil, Custodian of Records, Telephone # 949-622-4303

LAWYERS TITLE OF ARIZONA, INC.

DECLARATION OF CUSTODIAN OF RECORDS

USDC re: Sue Taylor

Case No. 07-02-66/2007R02362

Our File No. L53689

I, Dolly A. Auvil, declare as follows:

1. I am the duly authorized Custodian of Records for Lawyers Title of Arizona, Inc. ("Lawyers"), and therefore have the authority to certify said records.

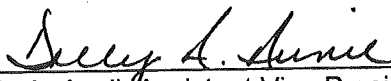
2. I am making this declaration in response to a properly served Civil Subpoena for Personal Appearance at Trial or Hearing, Deposition Subpoena for Personal Appearance and Production of Document and Things, Deposition Subpoena for Production of Business Records, Search Warrant, IRS Summons and/or signed Authorization to Release Records (collectively the "Subpoena"). The production consists of true copies of the original records described in the Subpoena and constitutes, insofar as the Escrow and Title Nos. 377074-700 GAL and 369168-700 GAL ("Documents").

3. The Documents are all true copies of records prepared or compiled by employees of Lawyers, or by persons acting under my control, whose duty it was to prepare such records. The records were made in the ordinary course of business at or near the time of the act, condition, or event in which they relate to.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 6, 2011, in the State of California.

LAWYERS TITLE OF ARIZONA, INC.



Dolly A. Auvil, Assistant Vice President
Custodian of Records/Senior Paralegal

AFFIDAVIT OF CUSTODIAN OF RECORDS


I declare that the following statements are true:

1. That I am a duly authorized custodian of records for Lawyers Title of Arizona, Inc., and that I have authority to certify said records.

2. That the records previously produced were examined and copied by a staff member of my department at the direction and under the direct supervision of one of my predecessors as Custodian of Records. I believe those documents to be a true and complete copy of the requested documents in Escrow File Numbers 00375013-700 GAL, 00374849-700 GAL, 00359168-700 GAL, 00373873-700 GAL, 00377053-700 GAL, 00373426-700 GAL and 01307248-700 G61 in the matter of *Sue Taylor, National Landbank, Circle G & Circle R*.

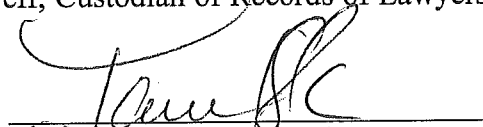
3. That the records were prepared by personnel of this company or persons acting under the control of this company and:

- A. were made at or near the time of the occurrence, condition or event of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
- B. were kept in the course of regularly conducted business activity; and
- C. were made as a part of the regular practice of the business activity, by personnel of the business.



 SUSAN J. NEFF
 CUSTODIAN OF RECORDS

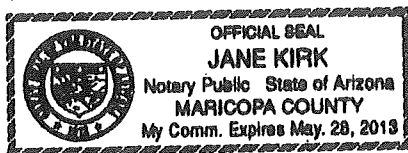
SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, on this, the 7th day of April, 2011, by Susan J. Neff, Custodian of Records of Lawyers Title of Arizona, Inc.



 NOTARY PUBLIC

My Commission Expires:

05-28-13



**DECLARATION FOR RECORDS OF REGULARLY CONDUCTED BUSINESS
ACTIVITY**

Re: Subpoena #	Our Reference#
Agency Case #:	Date Served: 1-27-2009 @ 9:59AM
Company Name: FIRST American Title	Address: ^{OLD Address} 4801 E. Washington ST. PHX 85034

I, Nicole Saenz, declare that I am employed by FIRST AMERICAN TITLE am the duly authorized Custodian of Records for documents and/or information produced under the above reference legal order. The company reserves its right to designate another Custodian as it deems appropriate in the event an actual appearance is required concerning the records produced herein. I certify the records produced herewith are a duplicate of the original(s) and that they were:

- A) Made at or near the time of the occurrence, condition or event of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.
- B) Kept in the course of regularly conducted business activity.
- C) Made as a part of the regular practice of the business activity, by personnel of the business.

The records produced herewith are identified as follows:

- Signature Cards(s)
- Statement(s)
- Cashiers' Check(s)
- Deposit(s)/Credit(s)/Memos
- Check(s)/Withdrawal(s)
- Wire Transfer(s) Forms
- Other: SEE ATTACHED LIST OF ESCROW FILES

Records necessary for compliance may have been limited as indicated below:

- The company **does not possess any of the records** as described in the above reference legal order.
- The enclosed records are true copies of the company records in the custodian's possession as described in the above referenced legal order. This constitutes a **final** or **partial** production.
- The company received notification that **no further production is required**. File closed.
- Compliance with the above referenced legal order was **limited to the following** through agreement with the requesting party: _____
- The company is **unable to provide the following records** as described in the above referenced legal order because of the following: _____

I declare under penalty of perjury that the foregoing is true and correct. (28 U.S.C. § 1746)

Executed on this 7th day of April, 2011, at Scottsdale, Arizona

Nicole Saenz, Custodian of Records, Telephone # (602) 685-7078

Per the original letter request dated January 23, 2009 by David Votaw, Special Agent, Phoenix Field Office, Criminal Investigation, the following escrow files were produced via CD for examination and a certification dated February 12, 2009 was provided for:

The Talon Group escrows:

412-4176467
412-4214756
412-4198424
412-4335020
412-4324743
412-4310720
416-4539048
416-4539060
412-4614570
412-4614570

First American Title Insurance Company escrows:

206-4134669
206-4134460
206-4134682
242-4455025

AFFIDAVIT OF CUSTODIAN OF RECORDS

I declare that the following statements are true:

1. That I am a duly authorized custodian of records for Lawyers Title of Arizona, Inc., and that I have authority to certify said records.

2. That the records previously produced were examined and copied by a staff member of my department at the direction and under the direct supervision of one of my predecessors as Custodian of Records. I believe those documents to be a true and complete copy of the requested documents in Escrow File Numbers 00375013-700 GAL, 00374849-700 GAL, 00359168-700 GAL, 00373873-700 GAL, 00377053-700 GAL, 00373426-700 GAL and 01307248-700 G61 in the matter of *Sue Taylor, National Landbank, Circle G & Circle R*.

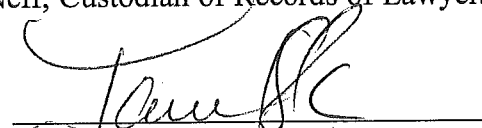
3. That the records were prepared by personnel of this company or persons acting under the control of this company and:

- A. were made at or near the time of the occurrence, condition or event of the matters set forth by, or from information transmitted by, a person with knowledge of those matters;
- B. were kept in the course of regularly conducted business activity; and
- C. were made as a part of the regular practice of the business activity, by personnel of the business.



 SUSAN J. NEFF
 CUSTODIAN OF RECORDS

SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, on this, the 7th day of April, 2011, by Susan J. Neff, Custodian of Records of Lawyers Title of Arizona, Inc.



 NOTARY PUBLIC

My Commission Expires:

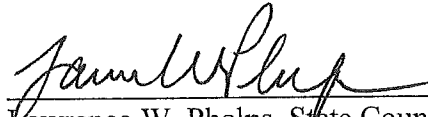
05-28-13



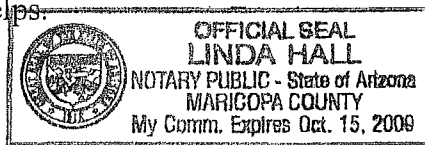
AFFIDAVIT OF CUSTODIAN OF RECORDS

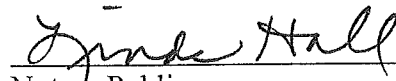
I declare that the following statements are true:

1. That I am a duly authorized custodian of records for Lawyers Title of Arizona, Inc., and that I have authority to certify said records.
2. That the records previously produced were examined and copied by a staff member of my department at the direction and under the direct supervision of my predecessor as Custodian of Records. I believe those documents to be a true and complete copy of the requested documents in Escrow File Numbers 00375013-700GAL, 00374849-700 GAL, 00359168-700-GAL, 00373873-700 GAL, 00377053-700 GAL, 00373426-700 GAL and 01307248-700 G61 in the matter of *Sue Taylor, National Landbank, Circle G & Circle R*.
3. That said records were prepared in the ordinary course of business of this company at or near the time of the act, condition or event described in said records.


Lawrence W. Phelps, State Counsel

SUBSCRIBED AND SWORN TO before me this 11th day of February 2009, by
Lawrence W. Phelps.




Notary Public

My Commission Expires: Oct. 15, 2009

**DECLARATION FOR RECORDS OF REGULARLY CONDUCTED BUSINESS
ACTIVITY**

Re: Subpoena #	Case No. CR-10-0400-PHX-DGC
Agency Case #:	Date Served:
Company Name:	Address:

I, Krista Cunningham, declare that on June 30, 2009, I was employed by Fidelity National Title Insurance Co., and I had authority to certify documents, information, and records as the duly authorized Custodian of Records. I certify that the records produced on or about June 30, 2009, (and referenced in my June 30, 2009, certification) are a duplicate of the original(s) and that they were:

- A) Made at or near the time of the occurrence, condition or event of the matters set forth by, or from information transmitted by, a person with knowledge of those matters.
- B) Kept in the course of regularly conducted business activity.
- C) Made as a part of the regular practice of the business activity, by personnel of the business.

The records produced herewith are identified as follows:

- Signature Cards(s) Statement(s) Cashiers' Check(s) Deposit(s)/Credit(s)/Memos
- Check(s)/Withdrawal(s) Wire Transfer(s) Forms
- X Other: escrow files

Records necessary for compliance may have been limited as indicated below:

- The company **does not possess any of the records** as described in the above reference legal order.
- The enclosed records are true copies of the company records in the custodian's possession as described in the above referenced legal order. This constitutes a **final** or **partial** production.
- The company received notification that **no further production is required**. File closed.
- Compliance with the above referenced legal order was **limited to the following** through agreement with the requesting party: _____
- The company is **unable to provide the following records** as described in the above referenced legal order because of the following: _____

I declare under penalty of perjury that the foregoing is true and correct. (28 U.S.C. § 1746)

Executed on this 12th day of April, 2011, at 11:05 am.

Krista J. C. J. ^{former}
Custodian of Records, Telephone # 480-510-2270

TAYLOR010677

CERTIFICATION

State of Arizona)
) ss.
County of Maricopa)

I, Krista L. Cunningham, certify as follows:

1. I am the duly authorized Custodian of Records for Fidelity National Title Insurance Company ("Fidelity") and have the authority to certify those records.
2. The copies attached hereto are true and correct copies of the original records in Fidelity National Title's File No.

970510-JS
970396-JS
970752-JS
972344-JS
1401945
976171-JS
976680-JS
978594-JS
978597-TMB
978424-JS
978652-TMB
976171-JS

3. The original records were prepared by personnel of Fidelity or by persons acting under Fidelity's control, in the ordinary course of business at or near the time of the act, condition or event.

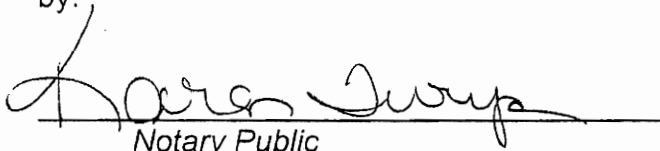
Dated: June 30, 2009



Custodian of Records
Fidelity National Title Insurance Co.

Krista L. Cunningham
Printed Name

Acknowledged before me on June 30, 2009,
by:



Notary Public

My Commission Expires: 1-25-2011



KAREN E. TURYAN
Notary Public - Arizona
Maricopa County
Expires 01/25/2011