

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Bob Frey at  
Chairperson

3:30 ~~am~~/p.m. on February 28, 1983 in room 526-S of the Capitol.

All members were present except:

Representatives Peterson and Solbach were excused.  
Representative Erne was absent.

Committee staff present:

Mark Burghart, Legislative Research Department  
Nedra Spingler, Secretary  
Mike Heim, Legislative Research Department, and  
Mary Ann Torrence, Revisor of Statutes Office, were excused.

Conferees appearing before the committee:

Rod Bieker, Office of the Attorney General  
Bruce Miller, Deputy Attorney General  
Art Griggs, Department of Administration  
Bradley Smoot, Deputy Attorney General  
Jim Clark, Kansas County and District Attorneys Association  
Marjorie Van Buren, Office of the Judicial Administrator  
Phil Magathan, Court Services Officer, Shawnee County Court  
Frances Kastner, Kansas Food Dealers Association  
Captain Don Pickert, Kansas Highway Patrol  
Matt Lynch, Judicial Council

The minutes of the meetings of February 22 and 23, 1983, were approved.

HB 2476 - An act relating to filing of claims, interests, and liens.

A hearing was held on the bill. Rod Bieker, Office of the Attorney General, said the bill was requested by that office as a result of cases filed in Doniphan and Brown Counties by tax protestors (Attachment No.1). These filings complicate clearing titles to property. The Attorney General has ruled the Register of Deeds cannot refuse to file these instruments. HB 2476 would clarify that the Register of Deeds need not file these types of instruments unless they are based on written contracts or are specifically authorized by statutes which the Register of Deeds should request to see or have cited.

In discussion, the question was raised as to why any other public officer besides the Register of Deeds was included in the bill. This might affect the filing of lawsuits with district court clerks. Mr. Bieker said this language was taken from K.S.A Chapter 58 but may need amending.

HB 2477 - An act concerning defense in civil rights cases.

A hearing was held on the bill. Bruce Miller, Deputy Attorney General, reviewed all sections of the bill. It would clarify for state employees that they will be defended by the state in civil rights cases, and the authority of the Attorney General to do so is clarified. Mr. Miller said the bill was not requested because of litigation in a recent case against the Attorney General where he hired outside counsel.

Art Griggs, Department of Administration, supported the bill. He explained the differences between Section 1 and the tort claims act, the good faith, no malice provisions, and noted confusion state employees have experienced with provisions of the tort claims act. The bill makes civil rights cases track closely with the tort claims act and provides assurance to employees that the state is backing the employees.

The suggestion was made to conceptionally amend line 26 of HB 2477 to insert language to the effect of referring to alleged violations of civil rights laws of the U.S. and the State of Kansas.

HB 2494 - An act relating to presentence investigation reports.

A hearing was held on the bill. Bradley Smoot, Deputy Attorney General, supported the bill and gave a statement (Attachment No. 2) outlining the history of victims' rights legislation, containing a sample impact statement form for the probation officer to have the victim com-

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,  
room 526-S, Statehouse, at 3:30 ~~a.m.~~/p.m. on February 28, 1983.

plete, and noting that SB 318 duplicates portions of HB 2494. The Attorney General's Office prefers the House bill because it allows victims and their families to be included in the judicial process and to tell how the crime has affected them. He said it was not intended to add weight to the judge's discretion but to assist the court to be better informed when making decisions.

There was discussion regarding the form to be used and whether there was a need for the form to be verified. Mr. Smoot had no objection to changes in the form as long as it was a legal document that could be relied upon.

Jim Clark, Kansas County and District Attorneys Association, supported the bill and preferred it over SB 318.

Marjorie Van Buren, Judicial Administrator's Office, stated that office agrees with the intent of the bill but would suggest some changes in language. The court services officer may not have the technical skill to assess those matters in lines 46-48. Requiring a verified statement would have a big impact on the workload and 25 additional CSOs would be needed (see Attachment No.3). Ms. Van Buren said her statement applied to SB 318 but was also pertinent to HB 2494.

Phil Magathan, court services officer for the Shawnee County court, explained amendments (Attachment No.4) which he believed addressed the problems for probation officers. A copy of the victim impact statement form used by Shawnee County is attached (Attachment No.5). He stated, as the victim impact program continues, the duties of the CSOs will be greatly increased. It was noted the Shawnee County CSOs do not furnish an assessment of the impact statement to the court, and it should be made clear that the impact statement was furnished by the victim and was not assessed by the CSO.

HB 2495 - An act concerning fees for collection of worthless checks.

A hearing was held on the bill. Mr. Clark said it was based on a Texas fee-collecting law (Attachment No.6). The Texas law, in five years, has resulted in an estimated 3 to 6 million dollars to a county and district attorneys' fund. He noted a portion of HB 2495 had been omitted in drafting, and he offered an amendment (Attachment No.7) to correct this.

In discussion, the possibility of misuse of the law as the result of the bad check receiver not being careful in taking checks was mentioned. Mr. Clark did not object to a possible amendment to direct the language to guard against abuse by merchants who would take bad checks indiscriminately.

Frances Kastner, Kansas Food Dealers Association, gave a statement supporting HB 2495 (Attachment No.8). She also supported the suggested amendment.

Marjorie Van Buren said the bill would add another bookkeeping chore to the duties of the district court clerks. It was pointed out that the bill would affect only county treasurers and county prosecutors and would probably reduce court cases.

HB 2163 - An act relating to traffic laws.

Captain Don Pickert, Kansas Highway Patrol, addressed some concerns the Patrol had with the bill. They are listed in Attachment No.9.

Matt Lynch, representing the Judicial Council, responded to the Highway Patrol suggestions by stating what the Council's intent was regarding original language that would be affected by Captain Pickert's suggestions.

The meeting was adjourned at 5:00 p.m.

ALAN M. BOEH  
County Attorney

Office of  
**DONIPHAN COUNTY ATTORNEY**  
TROY, KANSAS 66087

ATTACHMENT # 1

Telephone:  
(913) 985-2313  
P. O. Box 486

JUL 6 2 12 PM

OFFICE OF THE  
ATTORNEY GENERAL

Bieker

July 2, 1982

Hon. Robert T. Stephan  
Attorney General  
Second Floor-Kansas Judicial Center  
Topeka, Kansas 66612

Dear Mr. Stephan,

Enclosed is an instrument which an individual named Allan L. Holthaus of Hiawatha, Kansas has filed in the office of the Register of Deeds of Doniphan County, Kansas, and has served upon all of the banks listed in "Schedule A". Virgil W. Begesse, the "respondent" named in this instrument is the Magistrate Judge of the District Court of Doniphan County, Kansas. Judge Begesse has had the unfortunate experience of hearing a case in which Mr. Holthaus was the defendant. Mr. Holthaus is a member of a group which believes that most, if not all, law enforcement officers in the State of Kansas have no jurisdiction over him; and that gold and silver are the only legal means of exchange.

Inasmuch as Judge Begesse is a state officer and because Mr. Holthaus' efforts are obviously calculated to harass and embarrass the Judge who has heretofore found him in contempt of Court I thought that you might be interested in reviewing this matter and offering some suggestion or taking some action regarding the same.

I recognize that this is not a matter of earth shaking proportions but I find it most disturbing that the Judge is being personally harassed on account of action taken in his official capacity.

Very truly yours,



Alan M. Boeh  
Doniphan County Attorney

AMB/lk

Enc.

MEMORANDUM OF LAW

STATE OF KANSAS )  
COUNTY OF DONIPHAN )

ss. )

ALLAN L. HOLTHAUS,  
Demadant.

v.

VIRGIL W. BEGESSE and  
GENEVIEVE BEGESSE his wife  
Respondant.

COMMON LAW LIENS AT LAW SUPERCEDE MORTGAGES AND EQUITY LIENS, DRUMMOND CARRIAGE CO. V. MILLIS, (1898) 74 N.W. 966; HEWITT V. WILLIAMS, 47 La. Ann. 742, 17 So. 269; CARR V. DAIL, 19 S.E. 235; MCMAHON V. LUNDIN, 58 N.W. 827, AND MAY BE SATISFIED ONLY WHEN A COURT OF COMMON LAW IS CALLED TO CONVENE PURSUANT TO ORDER OF THE ELECTED SHERIFF UNDER AMENDMENT 7 OF THE BILL OF RIGHTS. SUCH COMMON LAW COURT FORBIDS THE PRESENCE OF ANY JUDGE OR LAWYER FROM PARTICIPATING OR OR PRESIDING, OR THE PRACTICE OF ANY EQUITY LAW. THE RULING OF THE U.S. SUPREME COURT IN RICH V. BRAXTON, 158 U.S. 375, SPECIFICALLY FORBIDS JUDGES FROM INVOKING EQUITY JURISDICTION TO REMOVE COMMON LAW LIENS OR SIMILAR "CLOUDS ON TITLE". FURTHER, EVEN IF A PREPONDERANCE OF EVIDENCE DISPLAYS THE LIEN TO BE VOID OR VOIDABLE. THE EQUITY COURT STILL MAY NOT PROCEED UNTIL THE MOVING PARTY HAS PROVEN THAT HE ASKS FOR AND COMES "TO EQUITY" WITH "CLEAN HANDS", TRICE V. COMSTOCK, 57 C.C.A. 646 ; WEST V. WASHBURN, 138 NY SUPP 230. ANY OFFICIAL WHO ATTEMPTS TO MODIFY OR REMOVE THIS COMMON LAW LIEN IS FULLY LIABLE FOR DAMAGES, U.S. Supreme CT: Butz v. Exonamou 98 S.C.T. 2894; Bell v. Hood, 327 US 678; Birch 62 v. Schild, 161 US 10; U.S. v. Lee, 106 US 196; Bivens v. 6 Unknown Agents, 400 U.S. 388; Halperin Vs. Nixon (1979).

*Involves question of Fed Ct. jurisdiction in case involving execution of judgment. Amend. 7 of Bill of Rights. Held: Fed. Ct. have jurisdiction. Berknap v. Schild is found at 161 US 10. It is a patent infringement case.*

*THIS IS A CIVIL RIGHT CASE UNDER FEDERAL LAWS. A CIVIL RIGHT CASE UNDER FEDERAL LAWS IS AN ABSOLUTE IMMUNITY FROM QUALIFIED REMEDY.*

NOTICE AND DEMAND

NOTICE is hereby given of the filing of a particular Common Law Lien

the object of which action is to enable the Demadant to secure money damages and exercise his Civil and Constitutional Rights. The particular property described will be subject to prosecution to satisfy judgement(s) in this action. The failure, refusal, or neglect of the Respondant(s) to demand the Sheriff to convene said Common Law Court within ninety (90) days from the date of filing this instrument will be deemed to be "prima-facie" evidence of an admission of "waiver" to all their rights to the property described hereinafter. DEMAND is made upon all public officials under penalty of Title 42 U.S.C. Sec. 1986 not to modify or remove this lien in any manner. NOTICE IS HEREBY GIVEN THAT THE RESPONDANT(S) OWN(S) THE FOLLOWING REAL PROPERTY:

*An ejectment suit to evict public officers with lands owned by the U.S. for foreclosure. - Foreclosure was improper. Title remains in T.*

North half of Lot 7 and the South half of Lot 8, both in Block 41, in the original town, now the City of Troy; Doniphan County, Kansas



(This lien is not dischargeable for 100 years and cannot be extinguished due to Demadants death whether accidently or purposely, or by my heirs, assigns, or executors.)  
Payment at Law of \$ 99,000.00 (Silver or Gold Coin)

ALLAN L. HOLTHAUS  
*allan L. Holthaus*

Subscribed and sworn to before me, a Notary Public, for and in the State of Kansas, County of Brown, on this 21 day of June, 1982.

My Commission Expires July 27-72 *Milton Geiger*  
NOTARY PUBLIC  
MILTON GEIGER

*See 6531-328, 401.*



STATE KANSAS )  
COUNTY OF DONIPHAN )

NOTICE AND DEMAND

ALIAN L. HOLTHAUS )  
Demadant, )  
vs. )  
VIRGIL W. BEGESSE and )  
GENEVIEVE BEGESSE his wife. )  
Respondant (S) )

CLAIM OF COMMON LAW WRIT OF  
ATTACHMENT WITH MEMORANDUM OF LAW\*

TO: 1 ST Bank of Troy, 212 S Main , Troy, Kansas ; Troy State Bank, 121 S Main, Troy, Kansas; (and all others named on Schedule "A")

NOTICE IS HEREBY GIVEN THAT THE RESPONDANT(S) HAVE ONE OR MORE OF THE FOLLOWING ASSETS:

- (1.) Checking and/or (2.) Savings Accounts, and (3.) Stocks and/or (4.) Bonds, and/or (5.) Safe Deposit Box(s), (6.) All Personal Property and/or Property Rights Accounts

IN YOUR POSSESSION.

DEMAND IS MADE UPON YOU UNDER PENALTY OF TITLE 42 USC, SEC. 1986 TO IMMEDIATELY ATTACH THE SAME "INSTANTER" AND NOT TO REMOVE OR MODIFY THIS LIEN IN ANY MANNER. YOU ARE HEREBY NOTIFIED TO HOLD THE ABOVE AS SECURITY FOR DEMANDANT IN THE ABOVE ACTION AND NOT TO RELEASE ANY OF THE ABOVE FUNDS AND/OR DOCUMENTS UNTIL THE ABOVE ACTION IS SETTLED IN A COURT OF COMPETENT JURISDICTION UNDER THE RIGHTS GRANTED TO DEMANDANT UNDER COMMON LAW.

(This lien/Writ of Attachment is not removable except by a Common Law Court or by the lienor; nor can it be extinguished due to the death of the lienor, whether accidentally or purposely; nor can it be extinguished by his heirs, assigns, or executors. Should untimely death or other violence come to the lienor or any relative of the demandant, there will be NO negotiation as to settlement.)

DEMANDANT CLAIMS FROM THE RESPONDANT THE SUM OF \$99,000.00 (Silver or Gold Coin)

Allan L. Holthaus  
ALIAN L. HOLTHAUS

Subscribed and sworn to before me, a Notary Public, for and in the State of Kansas, County of Brown, on this 21 day of June, 1992



Milton Geiger  
Notary Public  
MILTON GEIGER

My Commission Expires July 27, 92.

\*MEMORANDUM OF LAW

Writs of Attachment are but another form of Common Law lien and supersede mortgages and Equity liens, Drummond Carriage Co. v. Mills, (1898) 74 N.W. 966; Hewitt v. Williams, 47 La. Ann. 742, 17 So. 269; Garr v. Dail, 19 S.E. 235; McMahan v. Lundin, 58 N.W. 827. The U.S. Supreme Court in Rich v. Braxton, 158 U.S. 375 specifically forbids judges from invoking Equity Jurisdiction to remove common law liens or similar "cloud on title". Further, even if a preponderance of evidence displays the lien to be void or voidable, the Equity Court still may not proceed until the moving party has proven that he asks for and comes "to Equity" with "clean hands". Trice v. Comstock, 121 Fed. 620; West v. Washburn, App. Div. 460, 138 NY Supp 230. Any official who attempts to modify or remove this common law lien in the form of a Writ of Attachment is fully liable for damages pursuant to the mandatory rulings of the U.S. Supreme Court in Butz v. Economou, US, 98 S.Ct. 2894; Bell v. Hood, 327 US 678; Belknap v. Schild, 161 US 10; U.S. v. Lee, 106 US 196; Bivens v. 6 Unknown Agents, 400 US 863.

SCHEDULE "A"

Baileyville State Bank	Baileyville Kansas
Citizens State Bank	502 Main Seneca Kansas
Farmers State Bank	935 Main Sabetha Kansas
First Natl Bank	124 N Kansas Frankfort Kansas
Morrill State Bank	Sabetha Kansas
State Bank of Bern	Bern Kansas
Bank of Horton	108 E 8th Horton Kansas
Bendena State Bank	Bendena Kansas
Citizens State Bank & Trust Co.	610 Oregon Hiawatha Kansas
Farmers State Bank of Highland	Highland Kansas
Farmers State Bank of Wathena	Wathena Kansas
1st Bank of Troy	212 S Main Troy Kansas
First State Bank	White Cloud Kansas
First State Bank of Elwood	Elwood Kansas
Morrill & Janes Bank & Trust	7th & Delaware Hiawatha Kansas
Morrill State Bank	Morrill Kansas
State Bank of Whiting	Whiting Kansas
Troy State Bank	121 S Main, Troy Kansas
State Bank of Lancaster	Lancaster Kansas
Farmers & Merchants State Bank	Effingham Kansas
Farmers State Bank	Fairview Kansas
The Bank of Robinson	Robinson Kansas

OR 28672

DARLENE MEYER, CLERK  
SAMUEL L. SCHUETZ, ATTORNEY  
DAVID NIGUS, SHERIFF

COUNTY COMMISSIONERS  
T. E. SUNDERLAND, HORTON, CHM.  
HERBERT SANNER, HAMLIN  
FRED L. PETTY, HIAWATHA

THELMA LANCE, TREASURER  
NANCY REYNOLDS, REGISTER OF DEEDS  
GARY D. SINNING, M.D., P.H.O.  
GALEN LAY, SUREVEYOR

# County of Brown, State of Kansas

HIAWATHA, KANSAS 66434

June 28, 1982

Hon. Robert Stephan  
Kansas Attorney General  
State House  
Topeka, KS 66603

*Bieker*

Re: Requested Attorney General's Opinion

Dear Mr. Stephan:

Enclosed please find numerous documents which recently had been filed in the Brown County Register of Deeds. The people responsible for demanding these filings are known in this area as "tax protestors". Thelma M. Lance is the Brown County Treasurer. It is also our understanding that the documents have been filed against property owned by Judge Begesse, Doniphan County Magistrate, who hears cases in Brown County.

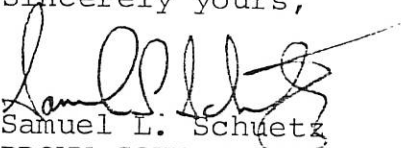
Both Judge Begesse and Treasurer Thelma Lance were involved in a recent criminal case against Allan Holthaus for failure to surrender vehicle registration and tags for reason that in payment of the tax, Mr. Holthaus offered the Brown County Treasurer a Public Money Certificate, which was neither a valid check or draft on any bank.

It has come to our attention that similar type form tax protest filings have been determined to be invalid in the State of Nebraska and that state's Attorney General has indicated that local Register of Deeds could refuse filing of the same.

Hon. Robert Stephan  
June 28, 1982  
Page 2

Please let this letter serve as a request for an Attorney General's opinion regarding these filings and whether or not the Register of Deeds can refuse to file the same.

Sincerely yours,

  
Samuel L. Schuetz  
BROWN COUNTY ATTORNEY

SLS:jak  
Enclosure



MEMORANDUM OF LAW

STATE OF KANSAS )  
COUNTY OF BROWN )

ss. )

ALLAN L. HOLTHAUS,  
Demandant.

v.

THELMA M. LANCE AND  
JAMES D. LANCE, HER  
HUSBAND  
Respondant.

State of Kansas, Brown County, SS.  
Filed for record at 11:20 o'clock A. M  
and recorded in book 312 page 225-230

\$9.00  
Fee JUN 22 1982

Nancy J. Reynolds  
REGISTER OF DEEDS

By \_\_\_\_\_ Deputy

COMMON LAW LIENS AT LAW SUPERCEDE MORTGAGES AND EQUITY LIENS, DRUMMOND CARRIAGE CO. V. MILLIS, (1898) 74 N.W. 966; HEWITT V. WILLIAMS, 47 La. Ann. 742, 17 So. 269; CARR V. DAIL, 19 S.E. 235; MCMAHON V. LUNDIN, 58 N.W. 827, AND MAY BE SATISFIED ONLY WHEN A COURT OF COMMON LAW IS CALLED TO CONVENE PURSUANT TO ORDER OF THE ELECTED SHERIFF UNDER AMENDMENT 7 OF THE BILL OF RIGHTS. SUCH COMMON LAW COURT FORBIDS THE PRESENCE OF ANY JUDGE OR LAWYER FROM PARTICIPATING OR OR PRESIDING, OR THE PRACTICE OF ANY EQUITY LAW. THE RULING OF THE U.S. SUPREME COURT IN RICH V. BRAXTON, 158 U.S. 375, SPECIFICALLY FORBIDS JUDGES FROM INVOKING EQUITY JURISDICTION TO REMOVE COMMON LAW LIENS OR SIMILAR "CLOUDS ON TITLE". FURTHER, EVEN IF A PREPONDERANCE OF EVIDENCE DISPLAYS THE LIEN TO BE VOID OR VOIDABLE. THE EQUITY COURT STILL MAY NOT PROCEED UNTIL THE MOVING PARTY HAS PROVEN THAT HE ASKS FOR AND COMES "TO EQUITY" WITH "CLEAN HANDS", TRICE V. COMSTOCK, 57 C.C.A. 646 ; WEST V. WASHBURN, 138 NY SUPP 230. ANY OFFICIAL WHO ATTEMPTS TO MODIFY OR REMOVE THIS COMMON LAW LIEN IS FULLY LIABLE FOR DAMAGES, U.S. Supreme CT; Butz v. Exonomou 98 S.CT. 2894; Bell v. Hood, 327 US 678; Birch 62 v. Schild, 161 US 10; U.S. v. Lee, 106 US 196; Bivens v. 6 Unknown Agents, 400 U.S. 388; Halperin Vs. Nixon (1979) \_\_\_\_\_.

NOTICE AND DEMAND

NOTICE is hereby given of the filing of a particular Common Law Lien the object of which action is to enable the Demandant to secure money damages and exercise his Civil and Constitutional Rights. The particular property described will be subject to prosecution to satisfy judgement(s) in this action. The failure, refusal, or neglect of the Respondant(s) to demand the Sheriff to convene said Common Law Court within ninety (90) days from the date of filing this instrument will be deemed to be "prima-facie" evidence of an admission of "waiver" to all their rights to the property described hereinafter. DEMAND is made upon all public officials under penalty of Title 42 U.S.C. Sec. 1986 not to modify or remove this lien in any manner. NOTICE IS HEREBY GIVEN THAT THE RESPONDANT(S) OWN(S) THE FOLLOWING REAL PROPERTY:

House and Lots 8 and 9 of the Subdivision of Block One  
of Lambertson's 4th Addition to the City of Fairview,  
Brown County, Kansas



(This lien is not dischargeable for 100 years and cannot be extinguished due to Demandants death whether accidentally or purposely, or by my heirs, assigns, or executors.)  
Payment at Law of \$ 70,000.00 (Silver or Gold Coin)

ALLAN L. HOLTHAUS  
Allan L. Holthaus

Subscribed and sworn to before me, a Notary Public, for and in the State of Kansas \_\_\_\_\_, County of Brown, on this 21 day of July, 1982.

My Commission Expires July 27-82 Milton Geiger  
NOTARY PUBLIC  
MILTON GEIGER

STATE OF KANSAS, )  
 ) SS.  
COUNTY OF BROWN. ) NOTICE AND DEMAND

ALLAN L. HOLTHAUS, )  
 )  
 Demandant, )  
 )  
 vs. THELMA M. LANCE AND )  
 )  
 JAMES D. LANCE, HER )  
 ) HUSBAND )  
 )  
 Respondant (S) )

CLAIM OF COMMON LAW WRIT OF  
ATTACHMENT WITH MEMORANDUM OF LAW\*

TO: FARMERS STATE BANK, FAIRVIEW, KANSAS 66425 ;

(and all others named on Schedule "A")

NOTICE IS HEREBY GIVEN THAT THE RESPONDANT(S) HAVE ONE OR MORE OF THE FOLLOWING ASSETS:

- (1.) Checking and/or (2.) Savings Accounts, and (3.) Stocks and/or (4.) Bonds, and/or (5.) Safe Deposit Box(s), (6.) All Personal Property and/or Property Rights Accounts

IN YOUR POSSESSION.

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(This lien/Writ of Attachment is not removable except by a Common Law Court or by the lienor; nor can it be extinguished due to the death of the lienor, whether accidentally or purposely; nor can it be extinguished by his heirs, assigns, or executors. Should untimely death or other violence come to the lienor or any relative of the demandant, there will be NO negotiation as to settlement.)

DEMANDANT CLAIMS FROM THE RESPONDANT THE SUM OF \$70,000.00 (Silver or Gold Coins)

*Allan L. Holthaus*

ALLAN L. HOLTHAUS



Subscribed and sworn to before me, a Notary Public, for and in the State of Kansas, County of Brown, on this 21 day of June, 1982.

*Milton Geiger*  
Notary Public  
MILTON GEIGER

My Commission Expires July 27 - 82.

\*MEMORANDUM OF LAW

Writs of Attachment are but another form of Common Law lien and supersede mortgages and Equity liens, Drummond Carriage Co. v. Mills, (1898) 74 N.W. 966; Hewitt v. Williams, 47 La. Ann. 742, 17 So. 269; Garr v. Dail, 19 S.E. 235; McMahan v. Lundin, 58 N.W. 827. The U.S. Supreme Court in Rich v. Braxton, 158 U.S. 375 specifically forbids judges from invoking Equity Jurisdiction to remove common law liens or similar "cloud on title". Further, even if a preponderance of evidence displays the lien to be void or voidable, the Equity Court still may not proceed until the moving party has proven that he asks for and comes "to Equity" with "clean hands". Trice v. Comstock, 121 Fed. 620; West v. Washburn, App. Div. 460, 138 NY Supp 230. Any official who attempts to modify or remove this common law lien in the form of a Writ of Attachment is fully liable for damages pursuant to the mandatory rulings of the U.S. Supreme Court in Butz v. Economou, US 98 S.Ct. 2894; Bell v. Hood, 327 US 678; Belknap v. Schild, 161 US 10; U.S. v. Lee, 106 US 196; Bivens v. 6 Unknown Agents, 400 US 863.

SCHEDULE "A"

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State Bank of Bern	Bern Kansas
Bank of Horton	108 E 8th Horton Kansas
Bendena State Bank	Bendena Kansas
Citizens State Bank & Trust Co.	610 Oregon Hiawatha Kansas
Farmers State Bank of Highland	Highland Kansas
Farmers State Bank of Wathena	Wathena Kansas
1st Bank of Troy	212 S Main Troy Kansas
First State Bank	White Cloud Kansas
First State Bank of Elwood	Elwood Kansas
Morrill & Janes Bank & Trust	7th & Delaware Hiawatha Kansas
Morrill State Bank	Morrill Kansas
State Bank of Whiting	Whiting Kansas
Troy State Bank	121 S Main, Troy Kansas
State Bank of Lancaster	Lancaster Kansas
Farmers & Merchants State Bank	Effingham Kansas
Farmers State Bank	Fairview Kansas
The Bank of Robinson	Robinson Kansas



ATTACHMENT # 2

STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751

TESTIMONY OF DEPUTY ATTORNEY GENERAL BRADLEY J. SMOOT

BEFORE THE HOUSE JUDICIARY COMMITTEE

HONORABLE ROBERT G. FREY, CHAIRMAN

Re: House Bill 2494

February 28, 1983

Dear Mr. Chairman and Members:

On behalf of Attorney General Stephan I want to thank the Committee for this opportunity to comment on 1983 House Bill No. 2494, a bill concerning the use of Victim Impact Statements in presentence investigation reports used by our district courts pursuant to K.S.A. 21-4604. In addition to a prepared statement outlining the need for House Bill No. 2494, we have included a sample Victim Impact Statement, and a flow chart detailing some of the "injustices" common to the victims of crime who pass through our criminal justice system.

General Stephan thanks this Committee for introducing House Bill No 2494. It is a bill he emphatically supports. And I trust that after all the conferees have been heard and the issues considered, each member of this committee will agree.



Committee members no doubt are aware of the terrifying frequency of violent crime in our nation and state. You know violent crime strikes randomly; that none of us are completely safe; and that someday each of us may be a victim. However, because of our sense of justice and fairness, our response to this threat requires that we recognize the rights of offenders both before and after conviction. Chief Justice Burger has characterized these offender rights as "massive safeguards." Yet in our continual efforts to protect society and crime victims without diluting such offender "rights," the Kansas legislature has embarked upon a consistent course to recognize the "rights" of victims of crime.

In 1969, the revision of the Kansas Criminal Code required the preparation of a presentence report which could include information on "the attitude of the complainant or victim" or "victim's immediate family." (L. 1969, ch. 180 §21-4604.) In 1970, the legislature made it mandatory that the probation officers inquire as to a victim's attitude. (L. 1970, ch. 124 §12.)

In 1978, the interests of crime victims were again recognized in law. District courts were authorized to order full or partial restitution to crime victims where the offender received probation or a suspended sentence. (L. 1978, ch. 120 §5.) Similar authority was granted that year to the adult authority to order restitution upon granting parole. (L. 1978, ch. 120 §13.) A crime victim's reparations program was created, empowering a state board to award monetary reparations to victims of violent crime whose actual losses were not otherwise covered by insurance. (L. 1978, ch. 130.)

Restitution and reparations became mandatory in probation and parole in 1981. (L. 1981, chs. 147 and 156.)

The 1983 Legislature has an opportunity to continue the development of victim rights in Kansas with the passage of House Bill No. 2494. The required use of a Victim's Impact Statement is the next logical step. As you see from the attached sample, a Victim Impact Statement is a questionnaire voluntarily completed by a crime victim and included in the probation officer's report provided to the court prior to the imposition of sentence. The answers to questions on the Statement provide the court with the physical, psychological and economic effects which the crime has had on the victim and his or her family. The statement brings the victim into direct contact with the system and the ultimate decision regarding disposition of the criminal. Our office has provided a sample Victim Impact Statement to all Kansas County and District Attorneys. Today, many judicial districts voluntarily use the Statement in making sentencing decisions.

Also before the legislature this year is Senate Bill No. 318 which requires that the presentence report include a statement of the probation officer as to the impact of the crime upon the victim. Although similar to House Bill No. 2494, Senate Bill No. 318 does not require the probation officer to offer the questionnaire to the victim for completion and submission to the court. We think the use of the questionnaire promotes uniformity among the various judicial districts. It makes the victim feel a part of the judicial process. We

hope such participation may help restore the victim's faith in the law and the courts.

We believe there is a real need for a uniform, legally required procedure for victims to describe to the courts the effects of a crime on their lives. Until the victim is included, the courts do not have the full picture. Until the victim's voice is heard, the case should not be closed. The Victim Impact Statement is a simple, inexpensive step toward greater "justice" in our criminal justice system.

Thank you for the opportunity to endorse House Bill No. 2494. I hope the Committee will act favorably upon it.

VICTIM IMPACT STATEMENT

STATE vs. \_\_\_\_\_

CASE # \_\_\_\_\_ SENTENCING DATE \_\_\_\_\_

TO ASSIST THE COURT IN ITS EFFORT TO WEIGH ALL FACTORS PRIOR TO IMPOSING SENTENCE, WE REQUEST YOUR VOLUNTARY COOPERATION IN COMPLETING THIS FORM. THIS STATEMENT IS INTENDED TO BE SUBMITTED TO THE JUDGE IMPOSING SENTENCE HEREIN.

NAME OF VICTIM \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
Street City State Zip Code

DATE OF BIRTH: \_\_\_\_\_

1. Please describe the nature of the incident in which you were involved?

2. As a result of this incident, were you physically injured? \_\_\_\_\_  
If yes, please describe the extent of your injuries.

3. Did you require medical treatment for the injuries sustained? \_\_\_\_\_  
If yes, please describe the treatment received and the length of time treatment was or is required.

4. Amount of expenses incurred to date as a result of medical treatment received: \$ \_\_\_\_\_

Anticipated expenses: \$ \_\_\_\_\_

5. Were you psychologically injured as a result of this incident? \_\_\_\_\_  
If yes, please describe the psychological impact which the incident has had on you.

6. Have you received any counselling or therapy as a result of this incident? \_\_\_\_\_  
If yes, please describe the psychological impact which the incident has had on you.

7. Amount of expenses incurred to date as a result of counselling or therapy received: \$ \_\_\_\_\_

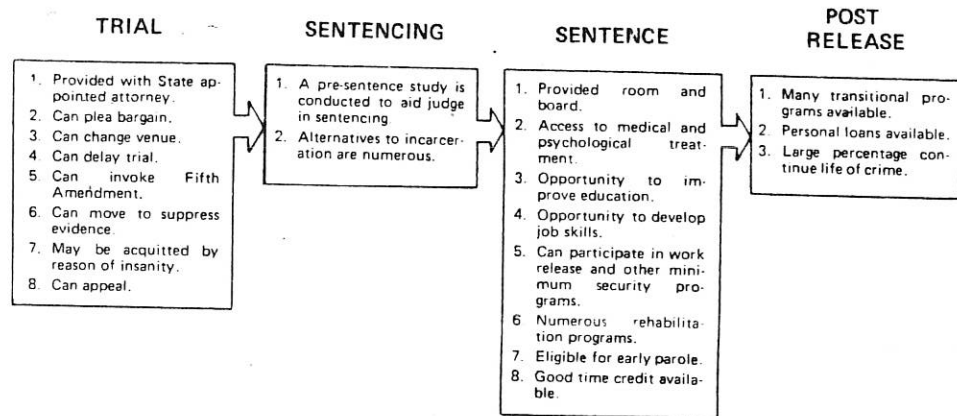
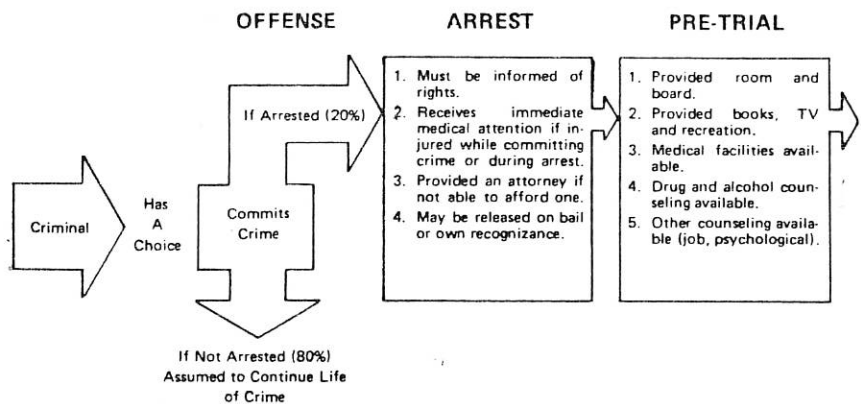


8. Has this incident affected your ability to earn a living? \_\_\_\_\_  
If yes, please describe your employment, and specify how and to what extent your ability to earn a living has been affected, days lost from work, etc.
- 
9. Have you incurred any other expenses or losses as a result of this incident? \_\_\_\_\_. If yes, please describe.
- 
10. Did insurance cover any of the expenses you have incurred as a result of this incident? \_\_\_\_\_  
If yes, please specify the amount and nature of any reimbursement.
- 
11. Has this incident in any way affected your lifestyle or your family's lifestyle? \_\_\_\_\_. If yes, please explain.
- 
12. Are there any other residual effects of this incident which are now being experienced by you or members of your family?
- 
13. Please describe what being the victim of crime has meant to you and to your family.
- 
14. What are your feelings about the criminal justice system? Have your feelings changed as a result of this incident? Please explain.
- 
15. Do you have any thoughts or suggestions on the sentence which the Court should impose herein? Please explain, indicating whether you favor imprisonment.
- 

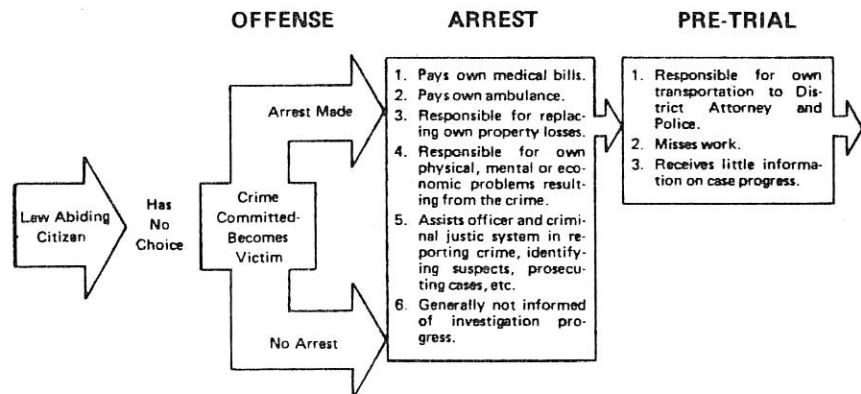
THIS FORM IS SUBSCRIBED AND AFFIRMED BY THE VICTIM AS TRUE UNDER THE PENALTIES OF PERJURY. THE INFORMATION AND THOUGHTS YOU HAVE PROVIDED ARE VERY MUCH APPRECIATED.

Date: \_\_\_\_\_

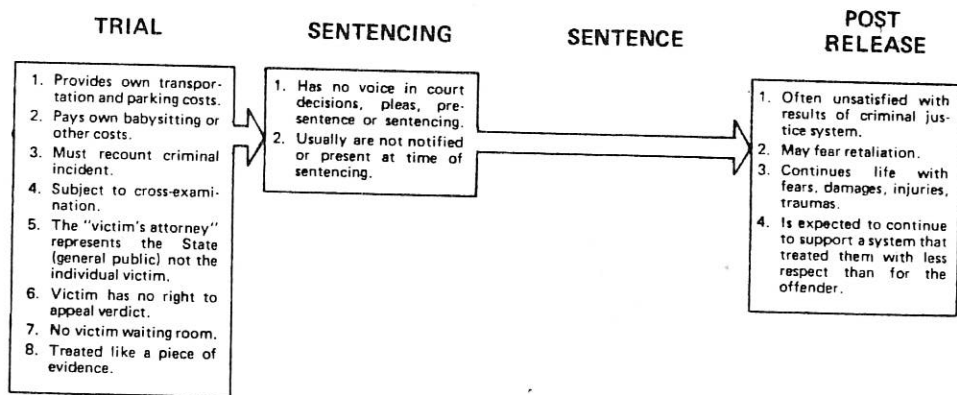
\_\_\_\_\_  
Signature



# THE CRIMINAL INJUSTICE



# SYSTEM





State of Kansas

ATTACHMENT # 3

## Office of Judicial Administration

Kansas Judicial Center  
301 West 10th  
Topeka, Kansas 66612

(913) 296-2256

February 28, 1983

To: Lynn Muchmore, Director of the Budget  
From: Jerry Sloan, Fiscal and Budget Officer  
Re: S.B. 318

This bill would mandate that presentence investigation reports include a verified statement assessing the financial, social, psychological and medical impact of the crime upon the victim.

We estimate that this requirement would add an additional four hours of court services officer time to prepare each of these reports. Utilizing the figures available for FY 1983 and extrapolating to a full year, we estimate 4,922 presentence investigation reports that are mandatory, 3,762 nonfelony reports that are not required but will be done, and 5,070 juvenile reports. This would amount to an estimated 13,754 presentence investigation reports for FY 1983, which we estimate would require 55,016 additional hours.

In order to comply with this bill, we would need 27.5 additional court services officer positions. With salary and fringe benefits, we estimate that this would cost \$507,843.00 in FY 1984.

JS:sb

HOUSE BILL No. 2494

By Committee on Judiciary

2-22

016 AN ACT concerning crimes and punishments; relating to pre-  
017 sentence investigation reports; amending K.S.A. 21-4604 and  
018 repealing the existing section.

019 *Be it enacted by the Legislature of the State of Kansas:*

020 Section 1. K.S.A. 21-4604 is hereby amended to read as fol-  
021 lows: 21-4604. (1) Whenever a defendant is convicted of a mis-  
022 demeanor, the court before whom the conviction is had may  
023 request a presentence investigation by a probation officer.  
024 Whenever a defendant is convicted of a felony, the court shall  
025 require that a presentence investigation be conducted by a pro-  
026 bation officer or in accordance with K.S.A. 21-4603 *and amend-*  
027 *ments thereto*, unless the court finds that adequate and current  
028 information is available in a previous presentence investigation  
029 report or from other sources.

030 (2) Whenever an investigation is requested, the probation  
031 officer shall promptly inquire into the circumstances of the  
032 offense; the attitude of the complainant or victim, and of the  
033 victim's immediate family, where possible, in cases of homicide;  
034 and the criminal record, social history, and present condition of  
035 the defendant. *The probation officer shall provide a victim im-*  
036 *prompt statement, on a form approved by the* attorney general *, to a*  
037 *complainant or victim or, in the case of homicide, to the victim's*  
038 *immediate family, if possible. Except where specifically prohib-*  
039 *ited by law, all local governmental and state agencies shall*  
040 *furnish to the officer conducting the presentence investigation*  
041 *such records as such officer may request. If ordered by the court,*  
042 *the presentence investigation shall include a physical and mental*  
043 *examination of the defendant.*

044 (3) Presentence investigation reports shall be in the form and

judicial administrator



0045 contain the information prescribed by rule of the supreme court;  
0046 ~~and~~. *In addition, each report shall contain such a* verified *state-*  
0047 *ment* assessing the financial, social, psychological and medical  
0048 *impact of the crime upon the victim and any other information as*  
0049 ~~may~~ be prescribed by the district court.

victim impact

submitted by the victim

0050 (4) The judicial administrator of the courts shall confer and  
0051 consult with the secretary of corrections when considering  
0052 changes or revisions in the form and content of presentence  
0053 investigation reports so that the reports will be in such form and  
0054 contain such information as will be of assistance to the secretary  
0055 in exercising or performing the secretary's functions, powers and  
0056 duties.

0057 Sec. 2. K.S.A. 21-4604 is hereby repealed.

0058 Sec. 3. This act shall take effect and be in force from and after  
0059 its publication in the statute book.

District Court of Kansas  
Third Judicial District

Shawnee County, Kansas

ATTACHMENT # 5

@A

@B  
@C  
@D

RE: @E  
Case No.: @F

Dear @G:

The Court has requested a presentence investigation on the above-named individual. The Court and I are concerned about you, the victim, and we encourage any input you may have.

Any assistance you can lend us in this case would be greatly appreciated and will be treated as confidential. Will you please answer the questions on the attached sheet and forward your responses to me. Feel free to contact me by phone or make an appointment if you wish to discuss this matter in person. This case is now pending and your prompt response is appreciated. If no response has been received within fifteen days of this letter, I will assume that you have no interest in this case.

Sincerely,

@H  
@I

@J  
Encl. (H-3A)

H-3

VICTIM IMPACT STATEMENT

VICTIM: @B

RE: @E

CASE NO.: @F

- (1) What were the circumstances centered around this offense which involved you as the victim?
  
  
  
  
  
  
  
  
  
  
- (2) As a result of this incident, were you physically injured?  
                     If yes, please describe the extent of your injuries.
  
  
  
  
  
  
  
  
  
  
- (3) Has this incident affected your ability to earn a living?  
                     If yes, please describe your employment, and specify how and to what extent your ability to earn a living has been affected, days lost from work, etc..
  
  
  
  
  
  
  
  
  
  
- (4) Have you received any counselling or therapy as a result of this incident?                      If yes, please describe the psychological impact which the incident has had on you.
  
  
  
  
  
  
  
  
  
  
- (5) Amount of expenses incurred to date as a result of counselling or therapy received: \$
  
  
  
  
  
  
  
  
  
  
- (6) Please describe what being the victim of crime has meant to you and to your family.

- (7) What are your feelings about the criminal justice system? Have your feelings changed as a result of this incident? Please explain.
- (8) Do you have any thoughts or suggestions on the sentence which the Court should impose herein? Please explain, indicating whether you favor imprisonment or probation.
- (9) Please provide an accurate account of any cost to you incurred as a result of this offense. If you were insured, please indicate your insurance company, policy number, and if you had any deductible to pay. It is important you provide this information and include verified statements of losses to help us establish restitution in this case, if owing.

THIS FORM IS SUBSCRIBED AND AFFIRMED BY THE VICTIM AS TRUE UNDER THE PENALTIES OF PERJURY. THE INFORMATION AND THOUGHTS YOU HAVE PROVIDED ARE VERY MUCH APPRECIATED.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

H3A

83 Leg

As mentioned in the introduction the enactment of the Article 53.08 C.C.P., the "Hot Check Fee Act," has generated a tremendous incentive for the prosecutors to handle hot checks. Every prosecutor's office in the State of Texas should be collecting check fees, because every office needs the additional income.

ATTACHMENT # 6

The following materials are included to provide pointers on how the prosecutor may collect, and spend the fee. Like any new law enacted by the Legislature, the fee law is still a developing law and just within the last year several Attorney General opinions have been handed down interpreting it.

The following three significant points should be noted here:

1. The elected prosecutor shall not supplement his own salary from the fee.
2. The prosecutor's office is only entitled to received the fee when his office processes and collects the worthless check.
3. Records must be kept and submitted as required by the law on the fees collected. In order to assist in the record keeping, a form is included on page entitled "Monthly Check Collection Ledger." It may well be that the form may be simplified to show only the date of receipt of the fee, the check writer's name, and the amount of the fee.

**THE LAW — Art. 53.08, C.C.P.**

**Art. 53.08 FEE FOR COLLECTING AND PROCESSING SIGHT ORDER**

(a) A county attorney, district attorney, or criminal district attorney may collect a fee if his office collects and processes a check or similar sight order if the check or similar sight order:

(1) has been issued or passed in a manner which makes the issuance or passing an offense under:

- (A) Section 32.41, Penal Code;
- (B) Section 31.03, Penal Code; or
- (C) Section 31.04, Penal Code; or

(2) has been forged under Section 32.21, Penal Code.

(b) The county attorney, district attorney, or criminal district attorney may collect the fee from any person who is a party to the offense described in Subsection (a) of this article.

(c) The amount of the fee shall not exceed:

- (1) \$5 if the face amount of the check or sight order does not exceed \$10;
- (2) \$10 if the face amount of the check or sight order is greater than \$10 but does not exceed \$100;
- (3) \$30 if the face amount of the check or sight order is greater than \$100 but does not exceed \$300;
- (4) \$50 if the face amount of the check or sight order is greater than \$300 but does not exceed \$500; and
- (5) \$75 if the face amount of the check or sight order is greater than \$500.

(d) If the person from whom the fee is collected was a party to the offense of forgery under Section 32.21, Penal Code, committed by altering the face amount of the check or sight order, the face amount as altered governs for the purpose of determining the amount of the fee.

(e) Fees collected under this article shall be deposited in the county treasury in a special fund to be administered by the county attorney, district attorney, or criminal district attorney. Expenditures from this fund shall be at the sole discretion of the attorney, and may be used only to defray the salaries and expenses of the prosecutor's office, but in no event may the county attorney, district attorney, or criminal district attorney supplement his or her own salary from this fund. Nothing in this Act shall be construed to decrease the total salaries, expenses, and allowances which a prosecuting attorney's office is receiving at the time this Act takes effect.

HOUSE BILL NO. 2495

An amendment proposed by the Kansas County and District Attorneys Association

0035       (3) Fees collected under this section shall be paid to the county treasurer in a special fund to be administered by the county or district attorney. Expenditures from this fund shall be at the sole discretion of the attorney, and may be used only to defray the salaries and expenses of the prosecutor's office, but in no event may the county or district attorney supplement his or her own salary from this fund.





# Kansas Food Dealers' Association, Inc.

2809 WEST 47th STREET SHAWNEE MISSION, KANSAS 66205

PHONE: (913) 384-3838

February 28, 1983

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ROY FRIESEN  
SYRACUSE

VICE-PRESIDENT  
JOE WHITE  
KINGMAN

TREASURER AND SECRETARY  
LEONARD MCKENZIE  
OVERLAND PARK

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TOPEKA

**DIRECTOR OF  
GOVERNMENTAL AFFAIRS**

FRANCES KASTNER

**HOUSE JUDICIARY COMMITTEE**

HB 2495

EXECUTIVE DIRECTOR  
JIM SHEEHAN  
SHAWNEE MISSION

Mr. Chairman, and members of the Committee, I am Frances Kastner, Director of Governmental Affairs for the Kansas Food Dealers Association. We represent wholesalers, distributors and retailers of food products throughout the state of Kansas.

We have always been in favor of any legislation that will discourage individuals from writing bad checks. As most of you have heard me say before, it is an expensive proposition to collect on bad checks, even though our members have a good procedure in place to require proper identification. That does not insure that there is actually money in their customer's bank account.

House Bill 2495, in our opinion, is a good bill, and we are in favor of it.

Although there is no hearing scheduled on HB 2419, we would like to express our disapproval of raising the \$50 threshold which we now have to \$100, and would NOT be in favor of HB 2419.

Thank you for the opportunity of presenting our views, and if you have any questions, I will be happy to answer them.

Frances Kastner, Dir.  
Governmental Affairs

3310 SW 7th, # 2  
Topeka, Ks. 66606

(913) 232-3310

# KANSAS HIGHWAY PATROL

*Service—Courtesy—Protection*

ATTACHMENT # 9

**John Carlin**  
Governor



**Col. David Hornbaker**  
Superintendent

*March 1, 1983*

*Representative Robert G. Frey  
Chairman House Judicial Committee  
Room 112-S, State Capitol  
Topeka, Kansas 66612*

*Dear Representative Frey:*

*I am writing pursuant to our testimony yesterday on HB 2163 and your request for our written suggestions.*

*Section 22, page 23, lines 0256 to 0280, inclusive: Amend to require the violator's signature on both misdemeanors and infractions. This would require making the failure to sign a notice of an infraction a misdemeanor. The value of the signature lies in assisting in the identification of the violator.*

*New Section One, page 2, lines 60 to 75 inclusive, dealing with fines for speeding violations. We suggest this part of the section be clarified so the courts will know with certainty how the fine is to be determined. For example, if the violator is 15 miles per hour over the posted limit, would the fine be \$1 for the first 10 miles and \$2 for the next 5 miles over the limit? As Mr. Lynch stated, the committee's intention was that the total fine would be assessed at \$2 per mile over the limit in this instance. We agree.*

*We also addressed the fact that we felt the \$11 fine indicated for certain moving hazardous violations offered little in the way of deterrent value. The authors have assured us that the \$11 figure was offered as a starting point, that when coupled with the \$19 court costs would result in a round figure for the convenience of the violator and the courts.*

*At your request, we respectfully suggest an increase in the fine amount for the following violations. These violations are listed in the order they appear in the bill.*

122 SW SEVENTH STREET  
TOPEKA, KANSAS 66603 (913) 232-9200

Representative Robert G. Frey

March 1, 1983

Page 2

*Disobeying traffic control device.*  
*Violating traffic control signal.*  
*Violating pedestrian control signal.*  
*Violating flashing traffic signal.*  
*Violating lane-control signal.*  
*Driving on left side of roadway.*  
*Failure to keep right to pass oncoming vehicle.*  
*Improper passing; increasing speed when passed.*  
*Improper passing on right.*  
*Passing on left with insufficient clearance.*  
*Driving on left side where curve, grade, intersection, railroad crossing or obstructed view.*  
*Driving on left in no-passing zone.*  
*Driving wrong direction on one-way road.*  
*Improper driving on laned roadway.*  
*Following too close.*  
*Improper cross over on divided highway.*  
*Failure to yield right-of-way at uncontrolled intersection.*  
*Failure to yield to approaching vehicle when turning left.*  
*Failure to yield at stop or yield sign.*  
*Failure to yield from private road or driveway.*  
*Failure to yield to emergency vehicle.*  
*Disobeying pedestrian traffic control device.*  
*Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk.*  
*Failure to exercise due care in regard to pedestrian.*  
*Drive through safety zone.*  
*Failure to yield to pedestrian on sidewalk.*  
*Failure of pedestrian to yield to emergency vehicle.*  
*Failure to yield to blind pedestrian.*  
*Improper turn or approach.*  
*Improper "U" turn.*  
*Unsafe starting of stopped vehicle.*  
*Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully.*  
*Improper method of giving notice of intention to turn.*  
*Improper hand signal.*  
*Failure to stop or obey railroad crossing signal.*  
*Failure to stop at railroad crossing stop sign.*  
*Certain hazardous vehicles failure to stop at railroad crossing.*  
*Vehicle emerging from alley, private roadway, building or driveway.*  
*Improper passing of school bus; improper use of school bus signals.*  
*Improper passing of church or day-care bus; improper use of signals.*  
*Impeding normal traffic by slow speed.*  
*Speeding on motor-driven cycle.*  
*Speeding in certain vehicles or on posted bridge.*  
*Improper stopping, standing or parking on roadway.*  
*Improper backing.*  
*Driving with view or driving mechanism obstructed.*  
*Putting glass, etc. on highway.*  
*Improper operation of snowmobile on highway.*

Representative Robert G. Frey  
March 1, 1983  
Page 3

Improper operation of motorcycle; seats; passengers, bundles.  
Improper operation of motorcycle on laned roadway.  
Motorcycle clinging to other vehicle.  
Motorcycle helmet and eye-protection requirements.  
Driving without lights when needed.  
Improper lamps and equipment on implements of husbandry, road  
machinery or animal-drawn vehicles.  
Unlawful use of spot, fog, or auxillary lamp.  
Improper stop or turn signal.  
Failure to dim headlights.  
Defective brakes.  
Improper tires.  
Defective motorcycle or motor-driven cycle brakes.

Section 23 (e), page 29, line 0486: Amend "No drivers daily log" to read "No  
current driver's daily log." As presently written, it would connote no driver's log  
in the vehicle. Both federal and state law not only require the log, but it must  
be kept current as to the last change of duty status. This is intended to control  
driving and duty hours and is a serious consideration.

I would again express our appreciation in being afforded the opportunity to address  
your committee, particularly in that it was somewhat belated.

Please advise if we may be of further service in this or any other regard.

Sincerely,

  
DAVID HORNBAKER  
Superintendent

DH:DLP:skf