

APPLICATION FOR GRAND JURY SUBPOENA DUCES TECUM460th GRAND JURYTRAVIS COUNTY, TEXAS

NOW COMES **Brandon R. Cammack**, Special Prosecutor for the Office of the Attorney General, who states to the Court that the testimony of the of the **Michael Doss of Independent Bank**, is believed to be material on behalf of the State in certain matters required to be inquired into by the Grand Jury of Travis County. Wherefore she asks that a subpoena be issued for **Michael Doss of Independent Bank**, to appear before the Travis County Grand Jury on the **12th day of October, 2020 at 4:00 P.M.**, at the 700 Lavaca, Multifunction Space B, Room 1.113, Austin, Texas, and that he/she bring with him/her and produce in said Grand Jury, at the said time and place, certain records and instruments in writing, desired as evidence in said criminal investigation, as follows:

- **All communications with the purchasers, and/or its representatives, regarding the purchase of the loan to WC 4thand Colorado, LP that was sold by Independent Bank**
- **Any and all communications between the bank, its employees, and/or its representatives with any of the following individuals, and/or their representatives, since January 1, 2019: Justin Bayne, Mark R. Riley, Bryan Hardeman, Will Hardeman, and Greg Milligan.**
- **All transaction documents associated with the loan sale to Colorado Third Street, LLC accompanied by a signed Business Record Affidavit**
- **All due diligence completed by Independent Bank on the loan purchaser and its members accompanied by a signed Business Record Affidavit**

****Call on receipt of this subpoena 713-3009291****

We prefer all records be provided electronically in high resolution, searchable, PDF-OCR format with an accompanying Business Records Affidavit.

These records are to include, but are not limited to, the following:

1. Signature cards for all checking, savings, and/or other accounts over which the aforementioned individual(s) had or have signature authority, regardless of the account name;
2. Statements, ledger sheets, deposit slips (front and back), deposit items (front and back), cancelled checks (front and back), withdrawal slips, credit memos, debit memos, wire transfers, (detail of transfers including account numbers), and/or any other records pertaining to all checking, savings, and/or other accounts, regardless of the account

name; (If possible, produce an additional copy of the statements in a non-protected Excel format.)

3. Cashier's checks, money orders, electronic payment/withdrawal advices or bank drafts purchased, and/or records necessary for identification of deposits, Online Bill Pay and/or other transactions, including but not limited to documentation supporting each transaction, source, vendor and/or recipients' name, address, account number and phone number;
4. Documents pertaining to the issuance and ownership of any and all Check Cards and Debit Cards for each account;
5. Records of all certificates of deposit, long-term savings certificates, individual retirement accounts, and/or any other financial instrument;
6. Records of all stock brokerage accounts, including but not limited to documents regarding the purchase and/or sale of stocks and/or bonds;
7. Records of any and all loans or lines of credit including but not limited to liability ledger sheets, loan and/or credit applications, financial statements, credit reports, federal tax returns, correspondence and/or memoranda in file, loan committee minutes concerning each loan, notes and/or loan agreements, records of collateral and securities, mortgage documents, records showing the disposition of loan proceeds, records of loan payments, and records of collections activity;
8. Records of any and all letters of credit including but not limited to documentation of its purpose, access and use;
9. Safe deposit box records including rental contracts, signature cards and entry records;
10. All Currency Transaction Reports (FinCEN Form 104);
11. Correspondence to and/or from the above named individual(s) and/or business(es); and
12. File maintenance records regarding name and address changes.

The State hereby requests the Court to order that **Michael Doss of Independent Bank**, not disclose the existence of this subpoena duces tecum or facts relating to the compliance thereof except with his legal counsel. Texas Code of Criminal Procedure Art. 20.02 (h) provides that a subpoena or summons related to a Grand Jury proceeding or investigation must be kept secret to prevent the unauthorized disclosure of a matter before the Grand Jury. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of law.

A DISOBEDIENCE of this subpoena is punishable by fine not exceeding \$500.00 to be collected as fines and costs in other criminal cases.

Witness my signature on 9/28/2020 | 11:17 AM CDT.

KEN PAXTON
Texas Attorney General

DocuSigned by:
Brandon R. Cammack
By: 9ABE5FC0C1E5472...
Brandon R. Cammack
Special Prosecutor
Office of the Attorney General

GRAND JURY SUBPOENA DUCES TECUM

460th GRAND JURY

TRAVIS COUNTY, TEXAS

The State of Texas, to any Peace Officer:

You are commanded to summon:

**Michael Doss of Independent Bank
Independent Bank
4420 Sunrise Road Round Rock, TX 7866
Telephone: 512-733-7766 Fax: 512-733-9944 Email: mdoss@ibtx.com**

To appear before the Travis County Grand Jury at the courthouse in said county on the **12th day of October, 2020 at 4:00 P.M.**, at the 700 Lavaca, Multifunction Space B, Room 1.113, Austin, Texas, and thereafter from day to day until he/she shall be released by the foreman of the Grand Jury, to then and there testify as a witness before said Grand Jury at the Travis County Courthouse in Austin, Texas, and that he/she bring with him/her and produce in said Grand Jury, at the said time and place, certain records and instruments in writing, desired as evidence in said criminal investigation, as follows:

- **All communications with the purchasers, and/or its representatives, regarding the purchase of the loan to WC 4th and Colorado, LP that was sold by Independent Bank**
- **Any and all communications between the bank, its employees, and/or its representatives with any of the following individuals, and/or their representatives, since January 1, 2019: Justin Bayne, Mark R. Riley, Bryan Hardeman, Will Hardeman, and Greg Milligan.**
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4. Documents pertaining to the issuance and ownership of any and all Check Cards and Debit Cards for each account;
5. Records of all certificates of deposit, long-term savings certificates, individual retirement accounts, and/or any other financial instrument;
6. Records of all stock brokerage accounts, including but not limited to documents regarding the purchase and/or sale of stocks and/or bonds;
7. Records of any and all loans or lines of credit including but not limited to liability ledger sheets, loan and/or credit applications, financial statements, credit reports, federal tax returns, correspondence and/or memoranda in file, loan committee minutes concerning each loan, notes and/or loan agreements, records of collateral and securities, mortgage documents, records showing the disposition of loan proceeds, records of loan payments, and records of collections activity;
8. Records of any and all letters of credit including but not limited to documentation of its purpose, access and use;
9. Safe deposit box records including rental contracts, signature cards and entry records;
10. All Currency Transaction Reports (FinCEN Form 104);
11. Correspondence to and/or from the above named individual(s) and/or business(es); and
12. File maintenance records regarding name and address changes.

IT IS FURTHER ORDERED, that the said **Custodian of Records**, **NOT DISCLOSE THE EXISTENCE OF THIS SUBPOENA DUCES TECUM OR FACTS RELATING TO THE COMPLIANCE THEREOF EXCEPT WITH HIS LEGAL COUNSEL.** Texas Code of Criminal Procedure Art. 20.02 (h) provides that a subpoena or summons related to a Grand Jury proceeding or investigation must be kept secret to prevent the unauthorized disclosure of a matter before the Grand Jury.

Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of law.

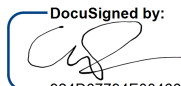
A DISOBEDIENCE of this subpoena is punishable by fine not exceeding \$500.00 to be collected as fines and costs in other criminal cases.

Delivering a copy of these documents prior to **12th day of October, 2020 at 4:00 P.M., including a completed business records affidavit**, to the officer serving this subpoena will be sufficient compliance with this subpoena. Texas Rule of Evidence 902(10) provides that an affidavit is sufficient if it includes a page count for the records being provided and language identifying the affiant as a **Custodian of Records** for the entity in question, who is familiar with the manner in which the records are created and maintained. Rule 902(10) additionally specifies other language which should be included in the affidavit. A blank form affidavit has been attached hereto for the convenience of the affiant. The absence of a completed business records affidavit may necessitate that the person subpoenaed herein must appear in court to testify.

Please return the requested documents to the attention of Brandon R. Cammack, Special Prosecutor for the Office of the Attorney General, 4265 San Felipe Street, Suite 1100 Houston, TX 77027 or electronically to Mr. Cammack at Brandon@cammacklawfirm.com with an original business records affidavit mailed to the address above.

Herein fail not, and due return make hereof.

9/28/2020 | 3:45 PM CDT
Witness my signature on _____.

DocuSigned by:

924D67794E00466...

Judge Presiding

OFFICER'S RETURN

Came to hand the _____ day of _____, _____, at _____ .m. and executed the day of _____, _____, at _____ .m. by delivering to the within named **Michael Doss of Independent Bank**, (hand-delivery/facsimile/electronic mail /certified U.S. mail), a true copy of the subpoena and the accompanying attachments thereto.

Investigator

REF 4981