

GRAND JURY SUBPOENA DUCES TECUM

460th GRAND JURY

TRAVIS COUNTY, TEXAS

The State of Texas, to any Peace Officer:

You are commanded to summon:

Doug Marwitz of Bancorp South Bank
Bancorp South 6500 N. Mopac, Suite 1101 Austin, TX 78731
Telephone: 512-231-8821 Email: doug.marwitz@bxs.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 o'clock p.m.**, at 700 Lavaca, Multifunction Space B, Room 1.113, Austin, Texas, and thereafter from day to day until he/she shall be released by the foreperson of the Grand Jury, to then and there testify as a witness and to produce the following documents and/or records:

- **All communications with the purchasers, and/or its representatives, regarding the purchase of the loan to WC Teakwood Plaza, LLC that was sold by BancorpSouth Bank.**
- **All communications with the purchasers, and/or its representatives, regarding the purchase of the loan to WC 4811 South Congress, LLC that was sold by BancorpSouth 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 8209 Burnet, L.P. accompanied by a signed Business Record Affidavit.**
- **All transaction documents associated with the loan sale to 4811 SoCo, L.P. accompanied by a signed Business Record Affidavit.**
- **All due diligence completed by BancorpSouth Bank on the loan purchasers 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.

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.

Custodian of Records may comply with this Subpoena by delivering copies of the requested records to the officer serving this subpoena, accompanied by a completed and notarized Business Records Affidavit on or before 12th day of October, 2020.

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.

Signed on this day of 9/28/2020 | 11:16 AM CDT.

KEN PAXTON
Texas Attorney General

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

OFFICER'S RETURN

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

Investigator

REF 4980