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NASH. CIVIL DOCKET  
UNITED STATES DISTRICT COURT

**CLOSED**

JUDGE MORTON

5989

Jury demand date:

6th CCA 73-1451

D. C. Form No. 106 Rev.

At Issue: 1-4-71

TITLE OF CASE	ATTORNEYS
SECURITIES AND EXCHANGE COMMISSION	For plaintiff:
v.	(John M. Kelly) J. Cecil Penland 1/6/71
GUARANTY BOND AND SECURITIES CORPORATION, HENRY JEREMIAH HUEY, JR., BROOKS THOMAS HUEY and GUARANTY BOND CO., INC. 2312 West End Avenue, Nashville, Tenn.	(U.S.) Securities and Exchange Commission Suite 138, 1371 Peachtree St., N.E. Atlanta, Georgia 30309.
	For Intervening Parties-Plf: (2-2-71)
	<del>Ed R. Davies</del> <del>Robert P. Thomas</del> Bolt, Cummings, Conners & Berry 700 American Trust Bldg. Nashville 21 <sup>st</sup> Fl., 1 <sup>st</sup> Amer Center 37201
BASIS OF ACTION: Securities Exchange Act Seeking Injunctive Relief.	For defendant:
	Frank S. King, Jr. (for all four Defts) <del>Waller Lansden Dortch &amp; Davis Bldg. Nashville, Tennessee 37201</del> 24 <sup>th</sup> Fl., 1 <sup>st</sup> Amer Center.
	For FIRST AMERICAN NATL. BANK - NASHVILLE
	Brad Reed (Bass, Berry & Sims) First 700 American Trust Building Center Nashville, Tenn. 37201
6-13-78 W. Ovid Collins \$432.42 Unclaimed Money deposited in registry.	
For Gen. Care Corp: Robert C. Hendon, Jr. Waller, Lansden, Dortch & Davis, 1200 American Trust Bldg. 37201	For Receiver: James C. Barbour W. Ovid Collins, Jr. Third National Bank Building Nashville, Tennessee 37219

*First American Center*

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 12-22-70	Clerk		Constructive		
J.S. 6 mailed 5-25-78	Marshal	3-10-72	Waller Lansden etc	500	
Basis of Action:	Docket fee	3-17-72	Treas CD		500
	Witness fees	2-9-78	W Ovid Collins	500	
		2-16-73	Treas CD		500
Action arose at:	Depositions				

## Sheet 1(a)

	PROCEEDINGS	Date Order or Judgment Noted
1	2-70 Filed: Complaint	
12-22-70	Filed: Motion for Preliminary Injunction, copies of affidavits attached. (See P/Pl. # 1 & 2)	
12-22-70	Filed: Memorandum in Support of Motion for Preliminary Injunction, Appendices attached.	
12-22-70	Entered: Notice of Motion - Hearing set on Jan. 5, 1971, 9:00 a.m., Courtroom No. 2. (Copy delivered to John Kelly, Esq. Atty. for Plf)	
12-22-70	Summons Issued - Delivered to U.S. Marshal with 4 copies each: Complaint, Motion, Memorandum and Notice of Motion.	
12-28-70	M/R - Summons executed in full 12/23/70.	
2-29-70	Subpoena to produce documents issued to U. S. Marshal for service on Mr. Walter C. Johnson, % John M. Kelly, Securities and Exchange Commission, to appear at 9:00 A.M., January 5, 1971, on behalf of the defendants.	
1-4-71	Filed: Answer of defendants, c/s, Exhibits 1 through 8.	
-6-71	Entered: Findings of Fact and Conclusions of Law (Attested copy delivered to Frank King, Esq.; 4 Certified copies delivered to J. Cecil Penland, atty. for plf.	***
-6-71	Entered: Preliminary Injunction pending final determination of action (Att. copy delivered to Frank King, Esq.; 4 certified copies delivered to J. Cecil Penland, atty. for plf.	***
-6-71	Attested copies of Findings of Fact and Conclusions of Law, and of Preliminary Injunction delivered to U. S. Marshal for service upon each defendant.	
1-13-71	Filed: Defendants' Motion that Court Amend its Decree entered January 6, 1971, c/s.	
1-13-71	Filed: Defendants' Brief in Support of Motion, c/s.	
-14-71	M/R - Subp. executed as to Walter C. Johnson <del>EXXEXXEXX</del> 12-31-70 on behalf of defendants.	
-14-71	M/R - Preliminary Injunction executed as to all defendants.	
1-21-71	Civil Subpoena to produce document issued to U.S. Marshal for Mr. T. Scott Fillebrown, President, 1st American Nat'l Bank. to bring certain documents on January 25, 1971 at 9:00 A.M.	
1-21-71	Application for Appointment of Receiver filed, with Brief attached. Certificate of Service attached. Documents filed by Securities and Exchange Commission.	
1-25-71	Motion to Intervene, with petition to intervene attached, filed by Baptist City Mission Board, Inc., Tampa Bay Baptist Association, First Baptist Church of Douglasville, Kennesaw United Methodist (See Sheet No. 2)	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
	Southside Baptist Church of Pine Bluff, and Covenant Presbyterian Church of Albany, Inc. Certificate of service attached.	
1-25-71	M/R - Subp. D/C executed as to T.Scott Fillebrown, Pres. 1st Amer. Natl.Bk. on behalf of plf, Jan. 21, 1971.	
1-27-71	Subpoena to produce documents issued to U.S.Marshal for Mr. T. Scott Fillebrown, Pres. 1st American National Bank, to bring certain documents on February 5, 1971 to U.S.District Court Clerks Office, Room 800 at 9:00 A.M. Subpoena on behalf of plaintiff.	
1-29-71	AGREED ORDER ENTERED: Plaintiff's Motion to Amend P/I Denied; James C. Barbour, Nashville, Tenn. appointed Receiver subject to submission of \$100,000. Bond; Receive shall take immediate custody, under conditions as set forth in Order. Attested copy to attorneys of Record.	Order #1
1-29-71	Filed: \$100,000.00 executed by James C. Barbour, Receiver; United States Fidelity and Guaranty Company, Surety.	
2-1-71	Filed: Petition No. 1 of James C. Barbour, Receiver - re:Counsel	
2-1-71	Entered: Order No. 2 Approving Retention of Attorney by Receiver - W. Ovid Collins, Jr., Esquire to represent Receiver.	#2
2-2-71	Order No. 3: Pursuant to Hearing 1-27-71 on Motion to Intervene filed on behalf of BAPTIST CITY MISSION BOARD, INC.; TAMPA BAY BAPTIST ASSN.; FIRST BAPTIST CHURCH OF DOUGLASVILLE; KENNESAW UNITED METHODIST CHURCH; SOUTHSIDE BAPTIST CHURCH OF PINE BLUFF; and COVENANT PRESBYTERIAN CHURCH OF ALBANY, INC.;.....and Oral Application of FIRST BAPTIST CHURCH, Water Valley, Miss.; WARRINGTON PRESBYTERIAN CHURCH, Warrington, Fla.; FLORISSANT VALLEY CHRISTIAN CHURCH, Florissant, Mo.; FIRST BAPTIST CHURCH, Panama City, Fla.; SANDSTON PRESBYTERIAN CHURCH, Sandston, Va.; and WOODLAWN PRESBYTERIAN CHURCH, B'ham, Ala. , allowed to intervene as PARTIES PLAINTIFF;..... H. Jeremiah Huey, Jr. and Brooks T. Huey, d/b/a HUEY & HUEY, a partnership; CHURCH BUILDING ASSOCIATES, INC., formerly known as Cumberland Industries; GENERAL INSURANCE UNDERWRITERS, INC. (a div. of Guaranty Bond Co., Inc.); and FIRST AMERICAN NATIONAL BANK OF NASHVILLE; and HUEY BROTHERS JOINT TENANTS added as ADDITIONAL DEFENDANTS;..... Service of Process shall issue as to each additional defendant; First American National Bank of Nashville to show cause why it should not be enjoined. Attested copy mailed to attorneys of record.	#3
2-2-71	Filed: Petition to Intervene as parties plaintiff on behalf of Baptist City Mission Board, Inc., et al (See Order this date)	
2-2-71	Summons Issued - Delivered to U.S.Marshal with attested copy of Order No. 3 and Petition to Intervene for service upon (5) Additional defendants.	
2-5-71	Petition of South Central Bell Telephone Company, with memorandum of law in support thereof. Copy to receiver's attorney.	
2-3-71	M/R - Summons issued 2-2-71 executed as to Additional Defts.(5); - Motion to Intervene and Order #3 attached.	

## Sheet 2(a)

DATE	PROCEEDINGS	Date Order or Judgment Noted
-71	M/R-Subp. executed as to Thos.B.Buford,V/P, and T. Scott Fillebrown, Pres., on behalf of Plf.	
2-9-71	Filed: Petition of Raleigh United Methodist Church and St. James United Methodist Church, c/s as to Ovid Collins, Esq.	
2-9-71	Filed: Motion for Speedy Hearing on Petition of Raleigh U.M. and St. James U.S.	
2-9-71	Filed: Petition of Henry Jeremiah Huey, Jr., et al dba for permission to lease and/or sell 35 Vehicles, Exhibit #1.	
2-9-71	Order No. 4: Approving Sale and/or Lease of up to 35 Motor Vehicles. Two Att. copies delivered to Frank King, Esq. - Copy mailed to other attorneys of record.	#4
2-9-71	Filed: Petition of Henry Jeremiah Huey, Jr. - relative to 2nd Mortgage on Real Estate, Exhibits 1 and 2.	
2-9-71	Order No. 5: Permitting Henry Jeremiah Huey, Jr. to join his wife in Placing Second Mortgage on Real Estate proceeds to be applied as directed. Two att. copies delivered to Frank King, Esq. - copy mailed to other attys. of record.	#5
2-9-71	Filed: Motion to Intervene on behalf of SOUTHWEST CHURCH OF CHRIST of JONESBORO, ARKANSAS and CALVARY BAPTIST CHURCH OF KINGSPORT, TENN., INC., Notice of Motion, Certificate of Service attached. (Petition to Intervene, c/s attached).	
2-9-71	Filed: Petition No. 2 of James C. Barbour, Receiver - For Order authorizing liquidation of Bond and Construction Operations; Continuation of General Ins. Underwriters; Segregation of funds, Exhibits 1-a,b,c,d,e,f; 2-a, to 2-b.	
2-9-71	Order No. 6 pursuant to Receiver's Petition No. 2: Receiver's Report and Recommendation accepted and approved; Receiver to submit Plan at earliest practical date for orderly liquidation of Bond and Construction Operations; Gen. Ins. Underwriters to continue; Receiver authorized to enter into new agency agreements as he shall deem necessary. Att. copy to attys. of record.	#6
2-9-71	Petition No. 3 of James C. Barbour, Receiver - Relative to Amounts due employees as shown in petition.	
2-9-71	Order No. 7 pursuant to Receiver's Petition No. 3: Receiver authorized to pay wages as set forth. Att. copy to attys.	#7
2-9-71	Petition No. 4 of Receiver: For authorization to use assets and proceeds from coupons and bonds to meet exigencies of preserving receivership estate.	
2-9-71	Petition No. 5 - Receiver: For Order directing that Bonds surrendered to attorneys, et al (After T/O but prior to appointment of receiver) - as listed, be placed in Escrow pending adjudication of the Court that process issue.	

SECURITIES & EXCHANGE COMMISSION  
v. GUARANTY BOND & SECURITIES, ET AL

D. C. 110A. Rev. Civil Docket Continuation Sheet No. 3

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-9-71	Answer of James C. Barbour, Receiver, to Petition of South Central Bell Telephone Company,	
* 2-9-71	Entered: <u>MEMORANDUM OF THE COURT</u> - Dated January 27, 1971. Att. copy to attys. of record.	(Memo./ (Ct.
2-11-71	<u>ORDER NO. 8 TO SHOW CAUSE</u> - Defts. named in Receiver's Petition #5 to show cause at hearing Feb.19, 1971, 9:00 a.m. why they should not be required to surrender bonds for deposit in escrow pending further orders of the Court. Attested copy of Order with xerox copy of Petition delivered to U.S.Marshl for service upon each of the ten named defendants.	#8
2-12-71	Filed: <u>Petition No. 6 of James C. Barbour, Receiver</u> - for order authorizing him to borrow up to \$20,000. from Nash.City Bk & Tr. pledging collateral, etc. (copy to SEC)	
2-12-71	<u>ORDER NO. 9:</u> - Receiver authorized to borrow up to \$20,000. pursuant to Petition No. 6. Att. copy to SEC, Ovid Collins, Frank S. King, Jr.	#9
2-16-71	Filed: Petition to Intervene on behalf of First Church of the Nazarene, Nashville, and <del>Princeton</del> Church of the Nazarene, Princeton, Fla., c/s attached.	
2-16-71	Filed: Motion, Petition to Intervene - Calvary Baptist Church of Kingsport, Tennessee , c/s, Notice of Motion.	
2-16-71	Filed: Letter dated Feb. 12, 1971 - George H. Cate counsel for Riverside Hosp., Nashville; Walker Memorial Hosp., Avon Park, Fla.; Northeast Baptist Church, Miami, Fla.; Trevecca Nazarene College, Nashville, Tenn., Bartlett United Methodist Church, Memphis, Tenn. - Combined Bond Involvement exceeds 3 1/4 Million Dollars (Treated as Claim).	
2-17-71	Filed: Petition of C. Aubrey Hearn (former employee), Exhibits A & B Copy mailed to attys. Penland, King and Collins. (Amendment filed 2-18-71)	
2-18-71	Filed: Answer of Defendant - Christian Schools, Inc. (Copy mailed to Attys. Penland, King and Collins)	
2-18-71	Filed: Answer of Deft., Tennessee Baptist Children's Homes, Inc., to Petition No. 5 of Receiver (Copy mailed to attys. Penland, King and Collins)	
2-18-71	Filed: Petition to Intervene on behalf of Lincoya Hills Baptist Church, c/s as to Penland, Collins & King.	
2-18-71	Filed: Answer of Deft., Lincoya Hills Baptist Church to Receiver's Petition #5, c/s.	

