

## AFFIDAVIT FOR SEARCH WARRANT

1. I, David Blakely, am a Special Agent with the Federal Bureau of Investigation (hereafter, "FBI"), and have been so employed for approximately 14 years. I am currently assigned to the Fayetteville, Arkansas resident agency of the FBI's Little Rock division. In my capacity as an FBI agent, I am authorized to investigate violations of federal law, including, but not limited to, Mail Fraud (18 U.S.C. 1341), Wire Fraud (18 U.S.C. 1343), Interstate Transportation of Stolen Motor Vehicles (18 U.S.C. 2312), Interstate Transportation of Stolen Property (18 U.S.C. 2314), and Interstate Travel in Aid of Racketeering (18 U.S.C. 1952). During my tenure as an FBI agent, I have participated in excess of one hundred investigations involving criminals and/or criminal organizations. The facts set forth below are based on my personal knowledge, on information that has been provided to me by FBI Special Agent Robert M. Callahan of the FBI's Birmingham, Alabama division, which is based on his personal knowledge and upon information provided to him by various law enforcement officers, and on information provided by other citizens, as more particularly described hereafter.

2. Affiant is presently assisting in an investigation involving a multi-state scheme to defraud individuals of their property, both personal and real. Perpetrating this scheme is an Arkansas-based criminal organization that is comprised of several members. A man named Everett Leon Stout heads the organization. Other organization members who have been identified thus far include Harold Tyrone Harmon, Sr., Harold Tyrone Harmon, Jr., and Shirley Harper.

3. The current investigation has revealed that in most instances, the organization's fraudulent scheme is perpetrated in the following manner: An organization

member (usually Everett Leon Stout) identifies a victim who owns property (usually a motor vehicle) that is subject to substantial financial encumbrance. Using a telephone, Stout contacts the victim and expresses an interest in purchasing the victim's vehicle. Where the balance owed on the property is equal to or greater than the secured amount, Stout agrees to purchase the property if the victim will agree to pay an additional amount of money equal to the difference between the debt owed and the value of the property. Oftentimes, the deal is consummated at a state probate court office, where Stout and the victim/seller meet. At that time, Stout completes a fill-in-the-blank document that purports to be a "negotiable instrument," and has it notarized and filed by the court clerk. Other documents are completed at that time, as well. A second copy of the negotiable instrument and associated documents is given to the victim/seller. Stout then places a third copy of the "negotiable instrument" inside a stamped envelope that bears the name and address of the company having the secured interest in the property. The envelope is deposited in the mail, either by Stout or by the court clerk at Stout's request. All the while, Stout assures the victim/seller that the company holding the security interest can redeem the "negotiable instrument" for the amount of the secured debt. Unbeknownst to the victim/seller, however, the "negotiable instrument" is backed by a non-existent court judgment (as more particularly described in paragraph 4, below) and is, therefore, worthless. Before parting company, Stout provides the victim/seller with out-of-state telephone numbers and/or cellular telephone numbers, which the victim is instructed to use should he/she experience any problems with the finance company receiving its money. Thereafter, Stout or another organization member takes possession of the vehicle and drives it to locations in the states of Arkansas or Mississippi, where the vehicle is

kept and maintained by other organization members, including, Harold Harmon, Sr. and Harold Harmon, Jr. When the victim/seller later receives notification from the finance company that no payment has been received and attempts to call Stout using the telephone numbers given, other organization members speak to the victim, providing him/her with misleading and delaying information, in furtherance of the scheme.

4. The investigation has discovered that on a number of separate occasions during 2001 and 2002, Stout and members of his criminal organization fraudulently obtained vehicles using a "negotiable instrument" that purports to be backed by a judgment rendered in favor of the organization or one of its individual members and against a company called Conseco Financial. The document further reflects that this judgment was obtained in the Circuit Court of Crittenden County, Arkansas, in case number CV-99-744. Review of court documents has shown that this is not true. According to court records obtained during the course of the investigation, Conseco Financial filed a suit in replevin against Allen M. and Sharon M. Crosby, seeking to recover a house trailer, in which Conseco had a secured interest. Everett Stout, who on occasion has falsely represented himself to be an attorney, injected himself in this case on behalf of the defendants. Thereafter, Stout filed a pleading captioned "Counter Suit At Common Law," alleging various matters and seeking judgment against Conseco Financial, its attorney (and spouse), and the attorney's law firm (and spouses) in the aggregate amount of eight million dollars (\$8,000,000). The court later found Stout's counterclaim to be "incomprehensible" and, accordingly, dismissed it. Court records further show that once Conseco Financial reclaimed possession of the house trailer in question, the court granted Conseco's motion to dismiss the case without prejudice. Thus, in resolving the case, the

court did not award or enter any judgment against Conseco Financial and in favor of Everett Leon Stout, the defendants, and/or any other person associated with Stout or his criminal organization. *See* Order of Dismissal Without Prejudice and Order To Dismiss Counterclaim, dated June 30, 2000, which are attached hereto and marked "Exhibit A" and "Exhibit B."

5. On January 17, 2002, Everett Leon Stout was arrested in Birmingham, Alabama for the crime of theft by deception, in connection with the fraudulent acquisition of a 2000 Chevy Blazer belonging to Kevin Brown. (see below). At the time of his apprehension, Stout was in the company of his ex-wife, Shirley Harper, and was driving a vehicle that he had earlier obtained in another fraudulent deal. This vehicle is further described as a 2001 Pontiac Bonneville. The investigation has revealed that Stout acquired this car from a victim/seller named Jill Potts on December 18, 2001. (see below).

6. Birmingham police officers conducted a routine inventory search of the Pontiac Bonneville Stout was driving when apprehended. Found inside were various items, including, copies of documents relating to vehicles that had recently been obtained by Stout using copies of the same worthless "negotiable instrument" as previously described. An examination of these documents revealed that each contained a representation that the vehicle was being purchased by a company called Diamond Financial, having the address of 2050 So. School Ave., Fayetteville, Arkansas 72701. Investigation by law enforcement officers has determined that Stout's associate, Harold Tyrone Harmon, Sr., resides at 2050 South School Road, Fayetteville, Arkansas. Also found inside the car was an opened envelope addressed to Harold Harmon, 2050 South

**School House Road, Fayetteville, Arkansas.** The envelope, which appears to have been mailed to Harmon on/about April 13, 2000, bears a return address of **Sovereign Accounting Pure Trust**, 88 Flat Shoals Avenue, S.E., Suite 118, Atlanta, Georgia 30316. FBI Special Agent Glenn Sharpe has been to that address as part of this investigation and reports that the address is and has been occupied by businesses other than Sovereign Accounting Pure Trust, including, a private mail service, which has since moved. Inside the envelope police found what appear to be several pages of legal commentary. These documents are similar in nature to other documents found inside two (2) boxes that were later surrendered to authorities by Shirley Harper (see paragraph 15, below). Police note that these documents bear E-mail dates, indicating that they had been transmitted by wire in 1999 and 2000.

7. Birmingham detectives interviewed Stout following his arrest. He told police that he had purchased a number of vehicles from Alabama residents and had transported these vehicles out of state. The vehicles, he said, were being stored at/near a residence located at **2050 South School House Road in Fayetteville, Arkansas.**

8. Thereafter, state and federal authorities located and interviewed the Alabama residents who Stout had dealt with. All advised that Stout had purchased their respective vehicles using what purported to be a "negotiable instrument" signed by **"Everett Leon Stout, Accomodation Signature for Sovereign Accounting"** on behalf of **"Diamond Financial, 2050 So. School Ave., Fayetteville, Ark. 72701."** In each case, the "negotiable instrument" given to them by Stout purported to be backed by a judgment against Conesco Financial. The dates of the transactions and vehicles so obtained by Stout are as follows:

<u>Victim/Seller</u>	<u>Vehicle Description</u>	<u>Date of Sale</u>	<u>Location</u>
Cindy/Thad Hood	2001 silver Pont. Firebird	12/14/01	Columbiana, AL
Kevin Brown	2000 Red Chevy Blazer	12/17/01	B'ham., AL
Angela Woods	2001 Nissan Altima	12/18/01	B'ham., AL
Kevin Oakes	2000 Chevy Silverado	12/18/01	Columbiana, AL
Jill Potts	2001 Pont. Bonneville	12/18/01	Columbiana, AL
James Stuckey	2000 red Ford Taurus	12/19/01	Centerville, AL
Timothy Sheridan	2000 green Ford Mustang	01/07/02	B'ham, AL

9. Another one of the vehicles that Birmingham Police officers identified through examination of the records found in Stout's automobile was a Chevrolet Suburban owned by a Fayetteville, Arkansas resident named Danielle Dawn Verhelst. Based on these records, it was apparent that the same type of fraudulent scheme had been perpetrated on Ms. Verhelst on/about January 3, 2002. In a subsequent interview, Ms. Verhelst told Fayetteville police that in selling her vehicle, she had dealt with Everett Leon Stout and Harold Harmon.

10. Birmingham Police officers thereafter contacted the Fayetteville, Arkansas police and requested that officers there go to **2050 South School House Road**, to look for other stolen vehicles at/near that location. Fayetteville Police Officers Coy and White report that on January 18, 2002, they proceeded to the afore-stated address, where a woman named Rebecca Weatherford met them. According to the officers, Weatherford indicated that she knew Harold Tyrone Harmon, Sr. and Harold Tyrone Harmon, Jr., but indicated that neither was available to be questioned by the officers.

11. Officers Coy and White report that they returned to that residence later that same day (January 18, 2002). This time, they met Harold Tyrone Harmon, Sr. and Harold Tyrone Harmon, Jr. The officers advised that they asked the Harmons whether they knew Everett Leon Stout. Both men denied knowing him. In addition, the Harmons denied knowing anything about a red Chevrolet Blazer that Stout had obtained by deception on December 14, 2001. Before leaving the residence, the officers observed a white Chevrolet 1500 pickup truck parked in the driveway of the Harmon residence. Upon closer inspection, the officers discovered a bill of sale taped to one of the truck's windows that appeared to have been executed by Stout. The officers then determined via theft reports that this vehicle had been reported stolen from a victim in Alabama on/about December 18, 2001. The officers asked Harold Tyrone Harmon, Sr. what the truck was doing parked in his driveway. The officers said that, at first, Harmon denied knowing why the truck was there. The elder Harmon then told police that the truck had been left by "Everett" and that "Everett" had given the keys to the truck to him in case he needed to move the vehicle while "Everett" was gone. Based on this information, the officers seized this vehicle. While they were leaving the Harmon residence, Harold Tyrone Harmon, Jr. ran out of the house and told the officers that the Chevy Blazer they had inquired about was parked behind his sister's residence at 318 Nonnamaker, Fayetteville, Arkansas. The officers advised that they went to that address and located the Blazer, which was owned by Kevin Brown. While at that address, the officers spoke to a female. She advised the officers that she had not seen Everett Stout since before Christmas 2001. The female then furnished the officers with the keys to the Blazer. A search of this vehicle was then conducted, during which the officers discovered numerous receipts,

including one from a local company called Across Town Glass. The name of the customer listed on this receipt was Rebecca Weatherford, who, officers discovered, is the daughter of Harold Tyrone Harmon, Sr.

12. On January 19, 2002, and again on April 12, 2002, Shirley Harper, Stout's ex-wife, provided information to FBI Special Agent Robert M. Callahan, including, but not limited to, the following:

(a) Harper said that in November 2001, she picked up Stout in Little Rock, Arkansas, so that Stout could visit with family members during the Thanksgiving holiday. Harper claimed that she had not spoken to Stout during the preceding 12-month period. Harper said that when she met Stout on that occasion, she asked him where he had been. According to Harper, Stout replied that he had been at "Harold's" house. Harper advised officers that she did not know who "Harold" was when Stout told her this.

(b) Harper further advised that a few weeks later, she received a call from Stout, who told her that he had been in a wreck and needed her to pick him up at Ellis Wrecker Company in Birmingham, Alabama. Harper said that she complied with his request. She then took Stout for a physical examination at a doctor's office in Atlanta, Georgia. When Stout finished there, Harper said that she drove Stout back to her residence in Blue Springs, Mississippi.

13. After receiving the foregoing information from Shirley Harper, Special Agent Callahan obtained a copy of the police report that was prepared in connection with the automobile accident involving Stout. According to this report, Stout advised the police officer that his home address was **2050 South School Road, Fayetteville, Arkansas** and



that he was employed by a company called **Sovereign Accounting**. Stout also provided the officer with his Arkansas driver's license, bearing number 905328098. A check of Arkansas drivers license records revealed that license number 905328098 was issued to Everett Leon Stout, **2050 South School Road, Fayetteville, Arkansas 72701**, on November 9, 2001. Since Stout has been held in custody in Birmingham, Alabama since his arrest on January 17, 2002, it is reasonable to conclude that his personal effects are still located at that address.

14. Special Agent Callahan has advised that while he was interviewing Shirley Harper on the two dates noted above, she provided him with the following additional information:

(a) Harper said that during the months of December 2001 and January 2002, she traveled from her home in Blue Springs, Mississippi to Birmingham, Alabama, to assist Stout when he obtained the vehicles previously noted. Harper said that all of the vehicles, with the exception of a silver-colored Pontiac Firebird and a Ford Mustang, were taken to **2050 South School House Road, Fayetteville, Arkansas**, the residence of Harold Tyrone Harmon, Sr.

(b) Harper further advised that after she traveled to Harmon's residence several times during the months of December 2001 and January 2002. During her first visit, Harper said she was introduced to Harold Tyrone Harmon, Sr., as well as to a number of his family members. Harper told Agent Callahan that during this trip, Stout expressed interest in wanting to retrieve something, which he said was stored inside a shed located in a rural area outside of Fayetteville. Harper said that Stout obtained a key to this shed from the elder Harmon. She then accompanied Stout when he went to the shed. Harper

explained that she never went inside the shed or saw any of its contents. She did recall that Stout went in the shed and looked around for a while. When Stout finished, Harper said that she and Stout returned to Harmon's residence and that Stout remitted the shed key to Harmon.

(c) Harper further advised that after she and Stout obtained the vehicles from individuals in the Birmingham, Alabama metropolitan area during the months of December 2001 and January 2002, they drove back to Harold Tyrone Harmon's residence at **2050 South School House Road, Fayetteville, Arkansas**. Harper recalled that during this trip, Stout informed her that Harold Harmon, Sr. had enlisted the aid of a used car dealer in another city in Arkansas, who was going to sell the cars that Stout had obtained for himself and Harmon. Harper said that upon arriving at Harmon's residence, she met Harmon and two other men. One of these other men, Harper recalled, was related to Harmon. According to Harper, the men all agreed to travel with Stout to a Birmingham, Alabama truck stop, retrieve the vehicles that Stout had just obtained, and drive them back to Harmon's residence. Harper said that she accompanied the men from Fayetteville, Arkansas to her residence in Blue Springs, Mississippi, where she parted company with them. The men, she explained, continued on to Birmingham to get the cars.

(d) Harper said that some of the vehicles that were destined for Harmon's residence at **2050 South School House Road** address were a silver-colored Chevrolet pickup truck that was seized by police at Harmon's house on January 18, 2002, a white-colored Nissan Altima, and a red-colored Ford Taurus. Agent Callahan reports that authorities have not yet recovered the Altima and Taurus.

(e) Harper further advised that during January 2002, she and Stout traveled from her home in Blue Springs, Mississippi to Fayetteville, Arkansas in a red-colored Chevrolet Blazer that had been obtained from a person in Birmingham, Alabama. Harper said that when they arrived at Harmon's residence, she heard the elder Harmon inform Stout that he (Harmon) had identified a Chevrolet Suburban that Stout might be interested in obtaining. Harmon, Stout, and a third man then left Harmon's residence and returned with the Chevrolet Suburban, according to Harper. Harper said that she and Stout later drove back to her house in Mississippi, leaving the red-colored Chevrolet Blazer with Harmon. This vehicle was later recovered by Fayetteville police officers, who found it on January 18, 2002, parked outside a residence belonging to one of Harold Harmon's daughters. Subsequent investigation by law enforcement officers revealed that the Chevrolet Suburban obtained by Stout, Harmon, and the unidentified third man is the same vehicle that was fraudulently obtained from Fayetteville resident Danielle Dawn Verhelst. The Suburban was recovered by FBI agents, who discovered it parked outside Shirley Harper's residence on January 19, 2002. Also found at Shirley Harper's residence that day was the silver-colored Pontiac Firebird belonging to Cindy and Thad Hood. Harper explained that Everett Stout had given it to her.

15. Agent Callahan reports that while agents were interviewing Shirley Harper at her residence in Blue Springs, Mississippi, she released to them two large boxes of records, which, she said, belonged to Everett Stout. Found inside these boxes were documents connecting Stout to the vehicles discovered at Harper's residence (*i.e.*, the Pontiac Firebird and the white-colored Chevrolet Suburban). Also found inside the boxes were training manuals, giving detailed instructions on how to defraud individuals using

the scheme employed by Everett Stout and members of his organization; both blank and completed blank "fill-in-the-blank" forms of the type used by Stout and others to defraud individuals in Alabama and Arkansas; documents relating to business organizations (*i.e.*, Sovereign Account and Diamond Financial) used in connection with the fraudulent schemes; lists of organization members and their respective roles in the fraudulent schemes; and tape recordings of organization meetings, at which Stout and others discussed the details of other fraudulent schemes the organization planned to undertake.

16. On April 17, 2002, FBI Special Agent Robert M. Callahan conducted a telephone interview of Leda Kay Younce and Donald Robert Younce, 17081 Del Vale Way, Brownsville, California. The Younces advised Agent Callahan that in May 2001, they endeavored to sell their car, a 1996 dark-green Geo Tracker, bearing VIN 2CNBJ1361T690956. An acquaintance of the Younces', Lee Harmon, heard that the Younce's car was for sale. He called Mr. Younce and told him that his brother, Harold Harmon, might be interested in buying it. Lee Harmon advised Mr. Younce that Harold Harmon lives in Arkansas and has a company that purchases cars and other property from people who were having credit problems. Mr. Younce said he asked Lee Harmon to contact his brother and have him (Harold Harmon) call Mrs. Younce about the car. According to the Younces, Harold Harmon subsequently spoke to Leda Younce and arranged to see the car. After looking the car over, Harold Harmon agreed to buy it. He told Mrs. Younce that he would pay for it with a "negotiable instrument." The Younces advised that Harold Harmon executed a document that appeared to bear a court stamp. He then placed the executed document inside an envelope and told the Younces that he would mail it to Transouth Financial Service, the company that held the security interest

in their car. Harmon also provided Leda Younce with his cellular telephone number, (501) 283-3928, and told her that she could use this number to call him if her finance company had any problems getting paid. Harmon added that if he was not available when she called, that she could speak to someone at a company called **Sovereign Accounting**, 483 Flat Shoals Avenue, Atlanta, Georgia 30316. The company and its address are both listed on the face of the "negotiable instrument" that Harmon used to buy the Younce's vehicle. Mrs. Younce, thereafter, released car over to Harold Harmon. Several weeks later, the Younces learned that Transouth Financial had received the document that Harmon had mailed, but that the loan on their vehicle had not been paid off. According to the Younces, a Transouth Financial employee advised them that the negotiable instrument was, in fact, worthless. Upon hearing this news, the Younces said that they contacted Harold Harmon on several occasions and were advised of the following: (a) Harmon said that he had purchased hundreds of properties using the document ("negotiable instrument") that he had given to Leda Younce; (b) that American banks did not know how to properly redeem these "negotiable instruments;" (c) that every time his company had been sued with regard to these "negotiable instruments," it had won; (d) that the type of "negotiable instrument" he used was completely legal and that this kind of instrument had been used to help hundreds of people who were in financial crises; and that Transouth Financial would receive its money (from Consec Financial) if only Transouth would submit the document properly. Younce said that during one of these conversations, Harmon told him that "Tony," one of Harmon's employees, was using their car. In a later conversation, Mr. Younce said that he asked Harmon if he (Younce) could get his car back. According to Mr. Younce, Harmon told him that he (Harmon) did

not know the car's whereabouts. He also told Mr. Younce that he was now working in Kansas City, Missouri, residing at 3232 Harrison Street, Apt. 3-C, Kansas City, Missouri. Mr. Younce subsequently contacted Conseco Financial to ascertain why Conseco would not honor Harmon's "negotiable instrument." A Conseco employee advised Mr. Younce that the company was not in the business of purchasing or financing automobiles. In investigating this matter further, Mr. Younce contacted the Atlanta, Georgia Police Department concerning **Sovereign Accounting**, the company mentioned by Harold Harmon in a previous conversation. According to Mr. Younce, an Atlanta policeman looked into the matter and reported that this company was not located at the address listed on the "negotiable instrument." Mr. Younce also advised Agent Callahan that he had contacted an investigator with Transouth Financial, who reported that the Kansas City, Missouri address given by Harmon was not a good address. As of the date of this application, the Younce's vehicle has not been recovered.

17. On April 11, 2002, Fayetteville Police Detective John Gentry conducted a surveillance of the residence located at **2050 South School House Road, Fayetteville, Arkansas**. At that time, Detective Gentry noted that there were several vehicles parked around the residence. According to Detective Gentry, these appear to be the same vehicles that he observed parked around the residence in mid-January 2002, when police recovered the stolen Chevrolet 1500 pickup truck in the driveway of the residence.

## ITEMS TO BE SEIZED

1. Training manuals giving instructions on how to perpetrate the fraudulent scheme employed by Everett Leon Stout and Harold Tyrone Harmon, Sr.
2. Fill-in-the-blank forms (both executed and unexecuted) of the type used by Stout and Harmon to perpetrate their fraudulent schemes in Alabama, Arkansas, and elsewhere.
3. Documents relating to "front" businesses used in connection with the fraudulent schemes.
4. Tape recordings of meetings, in which Stout and/or Harmon discuss other fraud schemes and/or criminal activity which the organization may perpetrate or has perpetrated.
5. Documents relating to Diamond Financial, 2050 South School House Road, Fayetteville, Arkansas.
6. Handwritten and/or typewritten notations made as a result of telephone conversations involving victim/sellers and Harold Harmon or secured creditors and Harold Harmon.
7. Membership lists, including, but not limited to, names, addresses, telephone numbers, and positions, of individuals involved in or otherwise associated with Everett Leon Stout and his criminal organization.
8. Ignition keys and documents relating to any/all vehicles involved in the fraudulent schemes which have not yet been recovered by authorities.

9. Telephone billing and toll records pertaining to telephone number (501) 283-3928.
10. Any/all documents relating to the residence located at 2050 South School House Road, Fayetteville, Arkansas, including, but not limited to, deeds, utility bills, tax assessments/payments, and other expenses.
11. Any/all documents relating to other frauds committed by Harold Tyrone Harmon, Sr. and his associates.
12. The key to the storage shed referenced in paragraph 14(b) of the attached Affidavit For Search Warrant.
13. Any/all documents and telephone records that identify the name, address, and/or telephone number of the unnamed car dealer mentioned in paragraph 14 (c) of the attached Affidavit For Search Warrant.
14. Any/all records reflecting the disposition of any vehicle by Harold Tyrone Harmon, Sr., Everett Leon Stout, or any other member of the criminal organization, including, but not limited to, the 1996 dark green Geo Tracker belonging to Leda and Don Younce.



# Exhibit A

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS

CONSECO FINANCE SERVICING CORP.  
f/k/a GREEN TREE FINANCIAL SERVICING CORPORATION PLAINTIFF

v. NO. CIV 99-744

ALLEN M. CROSBY and SHARON M. CROSBY DEFENDANTS

## ORDER OF DISMISSAL WITHOUT PREJUDICE

Comes now the Plaintiff, Conseco Finance Servicing Corp., and pursuant to Rule 41 of the Arkansas Rules of Civil Procedure, requests that the above-styled matter be, and the same is hereby, dismissed without prejudice. Further, Conseco Finance Servicing Corp. does not waive or forfeit the right to attorneys fees and costs incurred in pursuing this litigation or any other litigation that might arise from this proceeding.

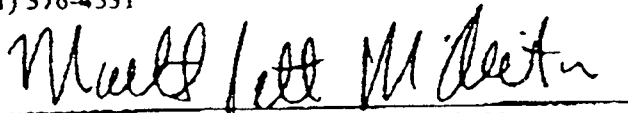
IT IS SO ORDERED this 30 day of June, 2000.



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THE HONORABLE DAVID C. BURNETT  
Crittenden County Circuit Judge

APPROVED AS TO FORM:

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By: 

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ATTORNEYS FOR CONSECO FINANCE  
SERVICING CORP.

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# EXHIBIT B

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS

CONSECO FINANCE SERVICING CORP.  
f/k/a GREEN TREE FINANCIAL SERVICING CORPORATION

PLAINTIFF

v.

NO. CIV 99-744

ALLEN M. CROSBY and SHARON M. CROSBY


DEFENDANTS

## ORDER TO DISMISS COUNTERCLAIM

BEFORE THE COURT is the Counterclaim filed by the Defendants Allen and Sharon Crosby on January 5, 2000 and the Motion to Dismiss Counterclaim filed by Conseco Finance Servicing Corp. ("Conseco") on January 10, 2000. The Motion to Dismiss Counterclaim is pursuant to 12(b)(6) as Conseco asserts that the Defendants' pleading fails to state the facts upon which relief may be granted. After a review of the pleadings, the Court finds that the counter-suit to common law is incomprehensible and fails to state facts upon which relief may be granted and the Counterclaim should therefore be dismissed.

IT IS THEREFORE ORDERED that the Counterclaim by the Defendants Allen and Sharon Crosby is dismissed.

IT IS SO ORDERED this 30 day of June, 2000.

  
THE HONORABLE DAVID C. BURNETT  
Crittenden County Circuit Judge