

IN THE CIRCUIT COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR BROWARD  
COUNTY, FLORIDA

CASE No: 12-34121 (07)  
Complex Litigation Unit

MARGARET J. SMITH as Managing  
General Partner of P&S ASSOCIATES,  
GENERAL PARTNERSHIP, a Florida  
limited partnership, and S&P ASSOCIATES,  
GENERAL PARTNERSHIP, a Florida  
limited partnership; P&S ASSOCIATES,  
GENERAL PARTNERSHIP, a Florida  
limited partnership; and S&P ASSOCIATES  
GENERAL PARTNERSHIP, a Florida  
limited partnership,

Plaintiffs,

vs.

JANET A. HOOKER CHARITABLE  
TRUST, a charitable trust, DIANE M. DEN  
BLEYKER, an individual, ETTOH LTD., a  
Florida limited partnership, JOHN AND/OR  
LOIS COMBS, an individual, ERSICA P.  
GIANNA, Trustee, CATHERINE B. &  
BERRY C. SMITH, individuals, EDNA A.  
PROFE REV. LIV. TRUST, HERBERT  
IRWIG REVOCABLE TRUST,  
HAMPTON FINANCIAL GROUP, INC., a  
Florida corporation, EDITH ROSEN, an  
individual, RICHARD F. AND BETTE  
WEST, individuals, GREGG WALLICK, an  
individual, JAMES AND VALERIA  
BRUCE JUDD, individuals, JULIANNE M.  
JONES, an individual, JESSE A. AND  
LOIS GOSS, Trustees, LISA RYAN, an  
individual, GERTRUDE GORDON, an  
individual, SAM ROSEN, an individual,  
PARAGON VENTURES, LTD., an  
Austrian limited partnership, HOLY  
GHOST FATHERS INTERNATIONAL  
FUND #2, a Tax-exempt Organization,

SUSAN E. MOLCHAN OR THOMAS A  
WHITEMAN, individuals, JANET B.  
MOLCHAN TRUST DTD 05/19/94,  
ROBERT A UCHIN REV TRUST, HOLY  
GHOST FATHERS, COMPASSION  
FUND, a Tax-exempt Organization, HOLY  
GHOST FATHERS HG-MOMBASA, a  
Tax-exempt Organization, HOLY GHOST  
FATHERS INTERNATIONAL FUND #1, a  
Tax-exempt Organization, HOLY GHOST  
FATHERS HG-IRELAND/KENEMA, a  
Tax-exempt Organization,  
CONGREGATION OF THE HOLY  
GHOST – WESTERN PROVIDENCE, a  
Tax-exempt Organization, ABRAHAM OR  
RITA NEWMAN, individuals, JOHN T.  
CROWLEY, AND/OR JONATHAN  
CROWLEY, individuals, ALEX E.  
MOLCHAN TRUST DTD 05/19/94, and  
ANN OR MICHAEL SULLIVAN,  
individuals,

Defendants.

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**NOTICE OF FILING AFFIDAVIT OF JOANNE M.F. WILCOMES**

Defendants, Holy Ghost Fathers HG-Kenema, Holy Ghost Fathers International Fund #1,  
Holy Ghost Fathers International Fund #2, Holy Ghost Fathers Compassion Fund, and Holy  
Ghost Fathers HG-Mombasa (collectively, the “Holy Ghost Entities”), by and through  
undersigned counsel, give notice of the filing of the Affidavit of Joanne M.F. Wilcomes (Exhibit  
1).

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 27<sup>th</sup> day of November, 2013 a true and correct copy of  
the foregoing was SENT VIA E-MAIL to: LEONARD K. SAMUELS, Esq., ETAN MARK,  
Esq., and STEVEN D. WEBER, Esq., c/o Berger Singerman, Attorneys for Plaintiffs, 350 East  
Las Olas Boulevard, Suite 1000, Fort Lauderdale, Florida 33301:

[lsamuels@bergersingerman.com](mailto:lsamuels@bergersingerman.com); [emark@bergersingerman.com](mailto:emark@bergersingerman.com); [sweber@bergersingerman.com](mailto:sweber@bergersingerman.com);  
[DRT@bergersingerman.com](mailto:DRT@bergersingerman.com); [VLeon@bergersingerman.com](mailto:VLeon@bergersingerman.com); ERIC N. ASSOULINE, Esq., c/o  
Assouline & Berlowe, P.A., Attorneys for Ersica P. Gianna, 213 E. Sheridan Street, Suite 3,  
Dania Beach, Florida 33004: [ena@assoulineberlowe.com](mailto:ena@assoulineberlowe.com); and [ah@assoulineberlowe.com](mailto:ah@assoulineberlowe.com);  
JULIAN H. KREEGER, Esq., Attorneys for James Bruce Judd and Valeria Judd, 2665 S.  
Bayshore Drive, Suite 220-14, Miami, Florida 33133-5402: [juliankreeger@gmail.com](mailto:juliankreeger@gmail.com); JOSEPH  
P. KLAPHOLZ, Esq., Attorney for Abraham Newman, Rita Newman & Gertrude Gordon, c/o  
Joseph P. Klapholz, P.A., 2500 Hollywood Boulevard, Suite 212, Hollywood, Florida 33020:  
[jklap@klapholzpa.com](mailto:jklap@klapholzpa.com); [dml@klapholzpa.com](mailto:dml@klapholzpa.com); PETER G. HERMAN, Esq., c/o Tripp Scott Law  
Offices, 110 S.E. Sixth Street, Suite 1500, Fort Lauderdale, Florida 33301:  
[PGH@trippscott.com](mailto:PGH@trippscott.com); MICHAEL C. FOSTER, Esq., and ANNETTE M. URENA, Esq., c/o  
Daniels Kashtan, 4000 Ponce de Leon Blvd., Suite 800, Coral Gables, Florida 33146:  
[Mfoster@dkdr.com](mailto:Mfoster@dkdr.com); [aurena@dkdr.com](mailto:aurena@dkdr.com); MICHAEL R. CASEY, Esq., 1831 N.E. 38th Street,  
#707, Oakland Park, Florida 33308: [mcasey666@gmail.com](mailto:mcasey666@gmail.com); MARC S. DOBIN c/o Dobin Law  
Group, 500 University Blvd., Suite 205, Jupiter, Florida 33458: [service@DobinLaw.com](mailto:service@DobinLaw.com);  
THOMAS M. MESSANA, Esq., and BRETT LIEBERMAN, Esq., c/o Messana P.A., 401 East  
Las Olas Blvd., Suite 1400, Fort Lauderdale, Florida 33301: [tmessana@messana-law.com](mailto:tmessana@messana-law.com);  
[blieberman@messana-law.com](mailto:blieberman@messana-law.com); RICHARD T. WOLFE, Esq., c/o Bunnell & Woulfe, P.A., One  
Financial Plaza, Suite 1000, 100 S.E. Third Avenue, Fort Lauderdale, Florida 33394:  
[Pleadings.RTW@bunnellwoulfe.com](mailto:Pleadings.RTW@bunnellwoulfe.com); THOMAS L. ABRAMS, Esq., 1776 N. Pine Island Road,  
Suite 309, Plantation, Florida, 33322: [tabrams@tabramslaw.com](mailto:tabrams@tabramslaw.com); DANIEL W. MATLOW,  
Esq., Attorney for Defendant (Herbert Irwig Revocable Trust), Emerald Lake Corporate Park,  
3109 Stirling Road , Suite 101, Fort Lauderdale, FL 33312 [dmatlow@danmatlow.com](mailto:dmatlow@danmatlow.com),

[assistant@danmatlow.com](mailto:assistant@danmatlow.com); DOMENICA FRASCA, Esq., Mayersohn Law Group, P.A., Attorney for Francis J. Mahoney, Jr. PR Estate of May Ellen Nickens, 101 N.E. Third Avenue, Suite 1250, Fort Lauderdale, FL 33301 [dfrasca@mayersohnlaw.com](mailto:dfrasca@mayersohnlaw.com); MARIAELENA GAYO-GUITIAN, Esq., Genovese Joblove & Battista, P.A., Attorneys for Festus & Helen Stacy Foundation, Inc., 200 East Broward Boulevard, Suite 1110, Fort Lauderdale, FL 33301 [mguitian@gjb-law.com](mailto:mguitian@gjb-law.com); ROBERT J. HUNT, Esq., Hunt & Gross, PA, Attorneys for Hampton Financial Group, Inc., 185 Spanish River Boulevard, Suite 220, Boca Raton, FL 33431-4230 [eservice@huntgross.com](mailto:eservice@huntgross.com), [bobhunt@huntgross.com](mailto:bobhunt@huntgross.com), [Sharon@huntgross.com](mailto:Sharon@huntgross.com); JASON S. OLETSKY, Esq. Akerman Senterfitt, Attorney for Kathleen Walsh, Las Olas Centre II, 350 E. Las Olas Boulevard, Suite 1600, Fort Lauderdale, FL 33301 [jason.oletsky@akerman.com](mailto:jason.oletsky@akerman.com), [Ashley.sawyer@akerman.com](mailto:Ashley.sawyer@akerman.com); CARL F. SCHOEPPL, Esq., Schoeppl & Burkem P.A., Attorneys for But Moss, 4651 North Federal Highway, Boca Raton, FL 33431 [carl@schoepplburke.com](mailto:carl@schoepplburke.com); WILLIAM G. SALIM, JR., Esq. Moskowitz, Mandell, Salim & Simowitz, Attorneys for Wayne Horwitz, 800 Corporate Drive, Suite 510, Fort Lauderdale, FL 33334 [wsalim@mmsslaw.com](mailto:wsalim@mmsslaw.com); RYON M. MCCABE, Esq., McCabe Rabin, PA, Attorney for Catherine Smith, Centurion Tower, 1601 Forum Place, Suite 505, West Palm Beach, FL 33401 [rmccabe@mccaberabin.com](mailto:rmccabe@mccaberabin.com), [janet@mccaberabin.com](mailto:janet@mccaberabin.com), [efrederick@mccaberabin.com](mailto:efrederick@mccaberabin.com).

McCARTER ENGLISH, LLP  
4 Gateway Center  
100 Mulberry Street  
Newark, NJ 07102  
Tel (973) 639-7927  
Fax (973) 297-3868  
[tgoodwin@mccarter.com](mailto:tgoodwin@mccarter.com)

/s/Thomas J. Goodwin  
Thomas J. Goodwin  
Pro Hac Vice No. 104414

# **EXHIBIT 1**

IN THE CIRCUIT COURT OF THE 17<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR BROWARD  
COUNTY, FLORIDA

CASE No: 12-34121 (07)  
Complex Litigation Unit

MARGARET J. SMITH as Managing  
General Partner of P&S ASSOCIATES,  
GENERAL PARTNERSHIP, a Florida  
limited partnership, and S&P ASSOCIATES,  
GENERAL PARTNERSHIP, a Florida  
limited partnership; P&S ASSOCIATES,  
GENERAL PARTNERSHIP, a Florida  
limited partnership; and S&P ASSOCIATES  
GENERAL PARTNERSHIP, a Florida  
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Plaintiffs,

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JANET A. HOOKER CHARITABLE  
TRUST, a charitable trust, DIANE M. DEN  
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Florida limited partnership, JOHN AND/OR  
LOIS COMBS, an individual, ERSICA P.  
GIANNA, Trustee, CATHERINE B. &  
BERRY C. SMITH, individuals, EDNA A.  
PROFE REV. LIV. TRUST, HERBERT  
IRWIG REVOCABLE TRUST,  
HAMPTON FINANCIAL GROUP, INC., a  
Florida corporation, EDITH ROSEN, an  
individual, RICHARD F. AND BETTE  
WEST, individuals, GREGG WALLICK, an  
individual, JAMES AND VALERIA  
BRUCE JUDD, individuals, JULIANNE M.  
JONES, an individual, JESSE A. AND  
LOIS GOSS, Trustees, LISA RYAN, an  
individual, GERTRUDE GORDON, an  
individual, SAM ROSEN, an individual,  
PARAGON VENTURES, LTD., an  
Austrian limited partnership, HOLY  
GHOST FATHERS INTERNATIONAL  
FUND #2, a Tax-exempt Organization,

SUSAN E. MOLCHAN OR THOMAS A  
WHITEMAN, individuals, JANET B.  
MOLCHAN TRUST DTD 05/19/94,  
ROBERT A UCHIN REV TRUST, HOLY  
GHOST FATHERS, COMPASSION  
FUND, a Tax-exempt Organization, HOLY  
GHOST FATHERS HG-MOMBASA, a  
Tax-exempt Organization, HOLY GHOST  
FATHERS INTERNATIONAL FUND #1, a  
Tax-exempt Organization, HOLY GHOST  
FATHERS HG-IRELAND/KENEMA, a  
Tax-exempt Organization,  
CONGREGATION OF THE HOLY  
GHOST – WESTERN PROVIDENCE, a  
Tax-exempt Organization, ABRAHAM OR  
RITA NEWMAN, individuals, JOHN T.  
CROWLEY, AND/OR JONATHAN  
CROWLEY, individuals, ALEX E.  
MOLCHAN TRUST DTD 05/19/94, and  
ANN OR MICHAEL SULLIVAN,  
individuals,

Defendants.

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**AFFIDAVIT OF JOANNE M.F. WILCOMES, ESQ.**

I, Joanne M.F. Wilcomes, under penalties of perjury, state as follows:

1. My name is Joanne M.F. Wilcomes. I am over the age of eighteen years and am competent to testify as to the matters set forth in this Affidavit. I have personal knowledge of the matters set forth in this Affidavit.

2. I am an attorney with the law firm of McCarter & English, LLP, counsel for defendants Holy Ghost Fathers HG-Ireland/Kenema, Holy Ghost Fathers International Fund #1, Holy Ghost Fathers International Fund #2, Holy Ghost Fathers Compassion Fund, and Holy Ghost Fathers HG-Mombasa (collectively, the “Holy Ghost Entities”).

3. I requested that Plaintiffs provide a list of the alleged improper distributions to the Holy Ghost Entities which are the subject of the Complaint in this action.

4. On September 12, 2013, I received from counsel for Plaintiffs a spreadsheet showing payments from each of the Holy Ghost entities, as well as dates and amounts of distributions to each of the Holy Ghost Entities. A copy of the spreadsheet received from plaintiff's counsel is attached hereto as Exhibit A.

5. Specifically, the spreadsheet shows the following distributions:

**Holy Ghost Fathers International Fund #1**

<u>Date</u>	<u>Amount</u>
9/11/2002	\$50,000.00
2/11/2003	\$55,000.00
2/11/2003	\$409,542.43
4/7/2003	\$225,000.00
4/13/2003	\$153,185.00
4/5/2004	\$200,000.00
3/31/2005	\$57,000.00
11/17/2005	\$37,000.00
9/27/2007	\$119,393.88
1/31/2008	\$2,496.36
<b>TOTAL DISTRIBUTED</b>	<b>\$1,308,617.67</b>
<b>LESS TOTAL INVESTED</b>	<b>\$1,181,331.35</b>
<b>TOTAL GAIN</b>	<b>\$127,286.32</b>



**Holy Ghost Fathers International Fund #2**

<u>Date</u>	<u>Amount</u>
4/5/2004	\$80,000.00
3/31/2005	\$150,000.00
12/20/2006	\$1,661,956.72
1/24/2007	\$32,480.44
<b>TOTAL DISTRIBUTED</b>	\$1,924,437.16
<b>LESS TOTAL INVESTED</b>	\$1,451,812.89
<b>TOTAL GAIN</b>	\$472,624.27

**Holy Ghost Fathers HG-Mombasa**

<u>Date</u>	<u>Amount</u>
11/29/1993	\$40,000.00
1/2/1996	\$50,000.00
2/6/2001	\$83,000.00
12/1/2005	\$50,000.00
6/26/2007	\$10,000.00
6/23/2008	\$37,000.00
<b>TOTAL DISTRIBUTED</b>	\$270,000
<b>LESS TOTAL INVESTED</b>	\$153,000
<b>TOTAL GAIN</b>	\$117,000

**Holy Ghost Fathers Compassion Fund**

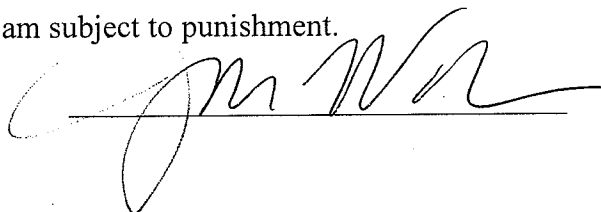
<u>Date</u>	<u>Amount</u>
12/27/2001	\$100,000.00
3/31/2005	\$100,000.00
9/21/2005	\$100,000.00
12/20/2006	\$200,000.00
3/31/2008	\$225,000.00
<b>TOTAL DISTRIBUTED</b>	\$725,000
<b>LESS TOTAL INVESTED</b>	\$461,235.46
<b>TOTAL GAIN</b>	\$263,764.54

**Holy Ghost Fathers HG-Kenema**

<u>Date</u>	<u>Amount</u>
8/26/2002	\$150,000.00
8/28/2006	\$66,623.01
1/24/2007	\$1,261.62
<b>TOTAL DISTRIBUTED</b>	\$217,884.63
<b>LESS TOTAL INVESTED</b>	\$60,000
<b>TOTAL GAIN</b>	\$157,884.63

6. Under penalty of perjury, I state that the foregoing is true and correct. I am aware that if any statement made by me is false, I am subject to punishment.

Dated: November 27, 2013



# **EXHIBIT A**

Investments and Distributions

The Spiritan Foundation HGF International Fund #1  
 The Spiritan Foundation HGF International Fund #2  
 Holy Ghost Fathers - Mombasa formerly Holy Ghost Fathers Marian House Account  
 Holy Ghost Fathers Compassion Fund  
 formerly Holy Ghost Fathers Central Account and Holy Ghost Fathers - Brazil Mission  
 Holy Ghost Fathers HG-Kenema

International Fund #1  
 Investments

Check Date	Deposit Date	Check No.	Amount	Account Name
3/19/2001	4/19/2001	253	\$ 100.00	Holy Ghost Fathers Central
7/30/2001	8/1/2001	1031	\$ 50,000.00	The Spiritan Foundation Holy Ghost Fathers
11/1/2001	11/7/2001	300523	\$ 40,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
11/29/2001	12/7/2001	300552	\$ 10,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
1/25/2002	1/28/2002	300615	\$ 30,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
2/11/2002	2/14/2002	300632	\$ 40,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
3/22/2002	3/27/2002	300693	\$ 30,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
3/22/2002	3/27/2002	1061	\$ 30,000.00	World Compassion Link, Inc.
4/3/2002	4/9/2002	300719	\$ 30,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
4/11/2002	4/15/2002	300724	\$ 75,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
5/22/2002	5/24/2002	300786	\$ 30,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
5/22/2002	5/24/2002	1088	\$ 10,000.00	World Compassion Link, Inc.
6/28/2002	7/1/2002	1098	\$ 15,000.00	World Compassion Link, Inc.
6/28/2002	7/1/2002	300684	\$ 25,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
10/8/2002	10/15/2002	5130	\$ 150,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
10/8/2002	10/15/2002	5131	\$ 244,957.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
11/18/2002	11/20/2002	5202	\$ 111,274.35	The Spiritan Foundation Holy Ghost Fathers and Brothers
11/25/2002	12/9/2002	3022	\$ 40,000.00	World Compassion Link, Inc.
11/25/2002	12/9/2002	5208	\$ 15,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
11/25/2002	12/9/2002	5210	\$ 15,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
1/22/2003	1/27/2003	3033	\$ 25,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers

1/22/2003	1/27/2003	5323	\$	15,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
2/26/2003	3/3/2003	5405	\$	100,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
6/20/2003	6/23/2003	5639	\$	10,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
6/20/2003	6/23/2003	5641	\$	40,000.00	The Spiritan Foundation Holy Ghost Fathers and Brothers

Total Invested \$ 1,181,331.35  
HGF International Fund #1

Distributions to and Transfers from International Fund #1 Account  
by P&S Associates General Partnership

Check Date	Check Number	Amount	
9/11/2002	1875	\$ 50,000.00	
2/11/2003	1919	\$ 55,000.00	
2/11/2003	transfer	\$ 409,542.43	transfer to HGF International Fund #2
4/7/2003	transfer	\$ 225,000.00	transfer to HGF International Fund #2
4/13/2003	1939	\$ 153,185.00	
4/5/2004	2114	\$ 200,000.00	
3/31/2005	2213	\$ 57,000.00	
11/17/2005	2290	\$ 37,000.00	
9/27/2007	wire	\$ 119,393.88	
1/31/2008	2542	\$ 2,496.36	

Total Distributed \$ 1,308,617.67  
HGF International Fund #1

HGF International Fund #1  
Net Winner \$ 127,286.32

International Fund #2  
Investments

Check Date	Deposit Date	Check No.	Amount	Account Name
8/20/2002	8/23/2002	5033	\$ 227,343.90	The Spiritan Foundation Holy Ghost Fathers and Brothers
2/11/2003			\$ 409,542.43	transfer from HGF International Fund #1
2/26/2003	3/3/2003	5403	\$ 500.00	The Spiritan Foundation Holy Ghost Fathers and Brothers
2/26/2003	3/3/2003	5404	\$ 5,000.00	The Spiritan Foundation

4/7/2003			\$	225,000.00	Holy Ghost Fathers and Brothers
4/21/2003	4/24/2003	5501	\$	28,648.58	transfer from HGF International Fund #1
					The Spiritan Foundation
4/21/2003	4/24/2003	5502	\$	203,522.60	Holy Ghost Fathers and Brothers
					The Spiritan Foundation
6/20/2003	6/23/2003	5640	\$	129,075.38	Holy Ghost Fathers and Brothers
					The Spiritan Foundation
12/16/2003	12/19/2003	5945	\$	86,200.00	Holy Ghost Fathers and Brothers
					The Spiritan Foundation
12/16/2003	12/19/2003	5946	\$	136,980.00	Holy Ghost Fathers and Brothers
					The Spiritan Foundation
					Holy Ghost Fathers and Brothers
Total Invested			\$	1,451,812.89	
HGF International Fund #2					

Distributions to and Transfers from International Fund #2 Account  
by P&S Associates General Partnership

Check Date	Check Number	Amount
4/5/2004	2115	\$ 80,000.00
3/31/2005	2214	\$ 150,000.00
12/20/2006	wire	\$ 1,661,956.72
1/24/2007	2414	\$ 32,480.44
Total Distributed		
HGF International Fund #2		\$ 1,924,437.16
HGF International Fund #2		
Net Winner		\$ 472,624.27

HGF - Mombasa  
Investments

Check Date	Deposit Date	Check No.	Amount	Account Name
2/11/1993	2/16/1993	507	\$ 40,000.00	HGF Marian House Account
2/11/1993	2/16/1993	135	\$ 5,000.00	HGF Marian House Account
4/1/1993	4/7/1993	139	\$ 20,000.00	HGF Marian House Account
4/15/1993	4/21/1993	510	\$ 15,000.00	HGF Marian House Account
6/18/1993	6/22/1993	144	\$ 10,000.00	HGF Marian House Account
12/15/1993	12/22/1993	157	\$ 23,000.00	HGF Marian House Account
4/15/1996	4/17/1996	208	\$ 15,000.00	HGF - Mombasa
6/11/1996	6/20/1996	213	\$ 10,000.00	HGF - Mombasa

2/25/1997	3/4/1997	231	\$	5,000.00	HGF - Mombasa
7/4/1997	7/7/1997	241	\$	5,000.00	HGF - Mombasa
9/4/2007	9/8/1997	245	\$	5,000.00	HGF - Mombasa

Total Invested \$ 153,000.00  
Holy Ghost Fathers - Mombasa

Distributions to HGF - Mombasa (formerly Marian House)  
by P&S Associates General Partnership

Check Date	Check Number	Amount
11/29/1993	1043	\$ 40,000.00
1/2/1996	1366	\$ 50,000.00
2/6/2001	1753	\$ 83,000.00
12/1/2005	2292	\$ 50,000.00
6/26/2007	2448	\$ 10,000.00
6/23/2008	2593	\$ 37,000.00

Total Distributed \$ 270,000.00  
Holy Ghost Fathers - Mombasa

Holy Ghost Fathers - Mombasa  
Net Winner \$ 117,000.00

HGF Compassion Fund (formerly HGF Central Account) (formerly HGF - Brazil Mission)  
Investments

Check Date	Deposit Date	Check No.	Amount	Account Name
12/28/1992	1/7/1993	107	\$ 50,000.00	Holy Ghost Fathers - Brazil Mission
5/1/1993	5/11/1993	108	\$ 50,000.00	Holy Ghost Fathers - Brazil Mission
7/22/1993	7/26/1993	116	\$ 50,000.00	Holy Ghost Fathers - Brazil Mission
10/28/1993	11/1/1993	121	\$ 70,000.00	Holy Ghost Fathers - Brazil Mission
1/1/1994	1/14/1994	unknown	\$ 1,000.00	Holy Ghost Fathers - Brazil Mission
1/1/1994	1/14/1994	304	\$ 24,000.00	Holy Ghost Fathers - Brazil Mission
1/1/1994	1/14/1994	310	\$ 13,000.00	Holy Ghost Fathers - Brazil Mission
1/1/1994	1/14/1994	2862	\$ 2,000.00	Holy Ghost Fathers - Brazil Mission
1/30/2004	2/3/2004	6020	\$ 21,235.46	Holy Ghost Fathers Compassion Fund
6/5/2007	6/11/2007	116	\$ 180,000.00	Holy Ghost Fathers Compassion Fund

Total Invested \$ 461,235.46  
Holy Ghost Fathers Compassion Fund  
(formerly HGF Central account and HGF Brazil Mission)

Distributions to HGF Compassion Fund  
 (formerly HGF Central account and HGF Brazil Mission  
 by P&S Associates General Partnership

Check Date	Check Number	Amount
12/27/2001	1820	\$ 100,000.00
3/31/2005	2215	\$ 100,000.00
9/21/2005	2273	\$ 100,000.00
12/20/2006	2393	\$ 200,000.00
3/31/2008	2576	\$ 225,000.00
Total Distributed		\$ 725,000.00

Holy Ghost Fathers Compassion Fund  
 (formerly HGF Central account and HGF Brazil Mission

Holy Ghost Fathers Compassion Fund  
 Net Winner \$ 263,764.54

Holy Ghost Fathers of Ireland  
 Diocese of Kenema  
 Investments

Check Date	Deposit Date	Check No.	Amount	Account Name
4/22/1993	4/27/1993	162	\$ 60,000.00	Diocese of Kenema
Total Invested			\$ 60,000.00	

Holy Ghost Fathers of Ireland - Diocese of Kenema

Distributions to Holy Ghost Fathers of Ireland -  
 Diocese of Kenema by P&S Associates General Partnership

Check Date	Check Number	Amount
8/26/2002	1873	\$ 150,000.00
8/28/2006	2365	\$ 66,623.01
1/24/2007	2413	\$ 1,261.62
Total Distributed		\$ 217,884.63

Diocese of Kenema by P&S Associates General Partnership

Diocese of Kenema by P&S Associates General Partnership  
 Net Winner \$ (157,884.63)