

NO. 2013-820201

THE STATE OF TEXAS  
VS.  
TRACY SPAETH

PID: 226591 DOB: 02/28/1967  
Felony Charge: **FRAUD SELL SECURITIES >=\$ /**  
26990120

Bond: \$100,000  
Date Prepared: October 07, 2013  
Ref#: 900218544  
Agency/Rpt#: OTHR / 4927  
Arrest Date: / /

FILED  
2013 OCT -7 PM 1:44  
JUSTICE OF PEACE 1  
LUBBOCK COUNTY

District Court No: Prior Cause No:

WARRANT OF ARREST  
THE STATE OF TEXAS

TO ANY PEACE OFFICER OF THE STATE OF TEXAS:

You are commanded to arrest and bring before this court **TRACY SPAETH**, hereinafter styled the Defendant, heretofore on or about and between the 30th day of May, A.D. 2013, and the 27th day of August, A.D. 2013, did then and there sell, or offer to sell, to CHRIS BREUNIG securities, to-wit: Elkhorn Capital Partners series II, Hub City Fund, and T.B.T.I., and the sale, or offer to sell, of the named securities involved an amount of \$100,000 or more, and in connection with the sale, or offer to sell, the said defendant did, directly or indirectly, engage in fraud or a fraudulent practice, to-wit: the defendant did knowingly fail to disclose the following material fact or facts: that the said defendant was not licensed to sell securities by the State of Texas, and said sales were pursuant to one scheme or continuing course of conduct;

Count 2

Further, in Lubbock County, Texas, TRACY SPAETH, hereafter styled the Defendant, heretofore on or about the 30th day of May, A.D. 2013 did then and there intentionally or knowingly sell, or offer to sell, to CHRIS BREUNIG a security, to-wit: Elkhorn Capital Partners series II, and at the time of said sale or offer to sell, said defendant was not registered to sell securities in the State of Texas by the Securities Commission of the State of Texas, as is provided by law;

Count 3

Further, in Lubbock County, Texas, TRACY SPAETH, hereafter styled the Defendant, heretofore on or about the 27th day of August, A.D. 2013 did then and there intentionally or knowingly sell, or offer to sell, to CHRIS BREUNIG a security, to-wit: T.B.T.I., and at the time of said sale or offer to sell, said defendant was not registered to sell securities in the State of Texas by the Securities Commission of the State of Texas, as is provided by law;

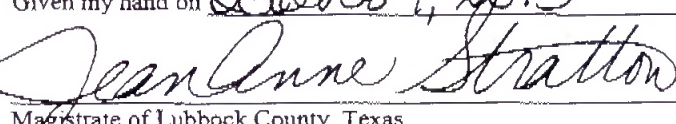
Count 4

Further, in Lubbock County, Texas, TRACY SPAETH, hereafter styled the Defendant, heretofore on or about the 30th day of May, A.D. 2013 did then and there intentionally or knowingly sell, or offer to sell, to CHRIS BREUNIG a security, to-wit: Elkhorn Capital Partners series II, and said security was issued after September 6th of 1955, and at the time of the sale, or offer to sell, the named security had not been registered or granted a permit as provided by law, in that the named security was not registered by notification by and with the Securities Commissioner of the State of Texas, and the named security was not registered by coordination by and with the Securities Commissioner of the State of Texas, and no permit for the sale of said security had been granted by the Securities Commission of the State of Texas;

Count 5

Further, in Lubbock County, Texas, TRACY SPAETH, hereafter styled the Defendant, heretofore on or about the 27th day of August, A.D. 2013 did then and there intentionally or knowingly sell, or offer to sell, to CHRIS BREUNIG a security, to-wit: T.B.T.I., and said security was issued after September 6th of 1955, and at the time of the sale, or offer to sell, the named security had not been registered or granted a permit as provided by law, in that the named security was not registered by notification by and with the Securities Commissioner of the State of Texas, and the named security was not registered by coordination by and with the Securities Commissioner of the State of Texas, and no permit for the sale of said security had been granted by the Securities Commission of the State of Texas; Return this writ and indicate how it was executed.

Bail is set as indicated above.

Given my hand on October 7, 2013  
  
Magistrate of Lubbock County, Texas

JPI  
Court

WARRANT