

**KAY BRYSON**  
**UTAH COUNTY ATTORNEY**  
100 East Center Street, Suite 2100  
Provo, Utah 84606

Telephone: 851-8026

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**MEMO-LETTER**

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**DATE:** March 30, 2005  
**TO:** Diana Parrish, Division of Securities  
**FROM:** Beth Allen, Legal Secretary  
**RE:** **Merton William Hamilton**  
Case No. 03-0161

This letter is to inform you that the above mentioned case has been filed in the Fourth District Court by Tim Taylor, Prosecuting Attorney. I have attached a copy of the criminal information for your convenience.

If you have any questions or concerns about this case, please feel free to contact Tim Taylor at the above phone number. Thank you.

KAY BRYSON #0473  
Utah County Attorney  
100 East Center, Suite 2100  
Provo, Utah 84606  
Telephone: 801-851-8026  
Fax: 801-851-8051

IN THE FOURTH JUDICIAL DISTRICT COURT  
IN AND FOR UTAH COUNTY, STATE OF UTAH

STATE OF UTAH

Plaintiff,

vs.

**MERTON WILLIAM HAMILTON**

aka: Mert Hamilton  
461 Topaz #8  
Delta, UT 84624  
DOB: 12/19/1928

Defendant.

**INFORMATION**

Case No.

Judge

OTN:

KAY BRYSON, Utah County Attorney, State of Utah, accuses the defendant(s) of the following crime(s):

COUNT 1: THEFT BY DECEPTION, a second degree felony in violation of Utah Code Ann. § 76-6-405, in that **MERTON WILLIAM HAMILTON**, on or between July and August 2001, in Utah County, Utah, obtained or exercised unauthorized control over the property of another by deception, with the purpose to deprive the owner thereof, and the value of the property or services was or exceeded \$5,000.

**OR IN THE ALTERNATIVE**

COUNT 1: SECURITIES FRAUD, a second degree felony in violation of Utah Code Ann. § 61-1-1, in that **MERTON WILLIAM HAMILTON**, on or between July and August 2001, in Utah County, Utah, in connection with the offer, sale, or purchase of a security, directly or indirectly, did:

- (1) employ a device, scheme, or artifice to defraud;
- (2) make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or
- (3) engage in an act, practice, or course of business which operates or would operate as a fraud or deceit upon any person; and

- (i) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth \$10,000 or more; or
- (ii) (A) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth less than \$10,000; and
- (B) in connection with that violation, the violator knowingly accepted any money representing:
  - (I) equity in a person's home;
  - (II) a withdrawal from any individual retirement account; or
  - (III) a withdrawal from any qualified retirement plan as defined in the Internal Revenue Code.

COUNT 2: THEFT BY DECEPTION, a second degree felony in violation of Utah Code Ann. § 76-6-405, in that **MERTON WILLIAM HAMILTON**, on or between July and August 2001, in Utah County, Utah, obtained or exercised unauthorized control over the property of another by deception, with the purpose to deprive the owner thereof, and the value of the property or services was or exceeded \$5,000.

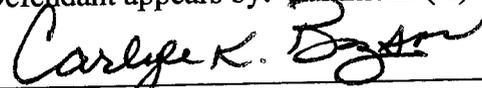
**OR IN THE ALTERNATIVE**

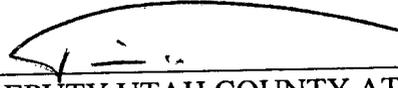
COUNT 2: SECURITIES FRAUD, a second degree felony in violation of Utah Code Ann. § 61-1-1, in that **MERTON WILLIAM HAMILTON**, on or between July and August 2001, in Utah County, Utah, in connection with the offer, sale, or purchase of a security, directly or indirectly, did:

- (1) employ a device, scheme, or artifice to defraud;
- (2) make an untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or
- (3) engage in an act, practice, or course of business which operates or would operate as a fraud or deceit upon any person; and
- (i) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth \$10,000 or more; or
- (ii) (A) at the time the crime was committed, the property, money, or thing unlawfully obtained or sought to be obtained was worth less than \$10,000; and
- (B) in connection with that violation, the violator knowingly accepted any money representing:
  - (I) equity in a person's home;
  - (II) a withdrawal from any individual retirement account; or
  - (III) a withdrawal from any qualified retirement plan as defined in the Internal Revenue Code.

Information is based on evidence provided by: Diana Parrish, Utah Division of Securities.

Defendant appears by:  Summons  Warrant  In-Custody

  
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UTAH COUNTY ATTORNEY  
03/28/05

  
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DEPUTY UTAH COUNTY ATTORNEY  
TIMOTHY L. TAYLOR



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County Attorney's Office  
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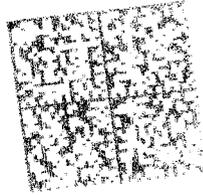
Department of Commerce  
Division of Securities

APR 01 2005

RECEIVED

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DIANA PARRISH OF SECURITIES  
UTAH DIVISION OF SECURITIES  
P.O. BOX 146760  
SALT LAKE CITY, UT 84111-6760



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