

JUDGE EARL BLOWER

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ATTORNEYS FOR; Plaintiff

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE MAGISTRATES COURT

DIVERSIFIED METAL PRODUCTS, INC.
Plaintiff,
vs.
T-BOW COMPANY TRUST, INTERNAL REVENUE SERVICE, and STEVE MORGAN
Defendants.

Case No. CV93-4117
COMPLAINT FOR IMPLEADER

1. Plaintiff is a steel and metal fabricator, doing business in Idaho Falls, Idaho, with an Independent contractor Agreement, dated May 3, 1993, with Defendant T-Bow Company Trust.

2. Defendant T-BOW Company Trust is an independent contractor which acts on behalf of Defendant Steve Morgan, as his principal.

3. Defendant Steve Morgan is an agent of Defendant T-Bow Trust, and has performed services to Plaintiff.

4. Defendant Internal Revenue Service (IRS) is an agency of the, United states government which has presented to Plaintiff a lien against monies to which Defendant Steve Morgan, or persumably Defendant T-BOW Company Trust for him, maybe entitled-

5. Defendant IRS & T-Bow Company Trust, for Defendant Steve Morgan, have made demand of Plaintiff for payment.

6. Attached hereto as Exhibits "A" and "B" are, respectively, the demands for payment by T-BoW Company Trust, by

COMPLAINT FOR IMPLEADER

Certified to be a true and correct copy of original filed in the District Court of Idaho, Seventh Judicial District, by Cameron & Sons, Clerk

its trustee, threatening suit against Plaintiff; and Notice of Levy filed by Defendant IRS.

7. Plaintiff has always been ready, willing and able to pay the amounts owing by it, but cannot, and **should not**, be **required**, by **reason** of the multiple demands, to pay amounts in **excess** of those owing.

8. Attached hereto as Exhibit "c" are copies of two **checks**, no. 7299 and no. 7364, in the respective **sums** of **\$504.00** and **\$345.60**, representing the amounts involved.

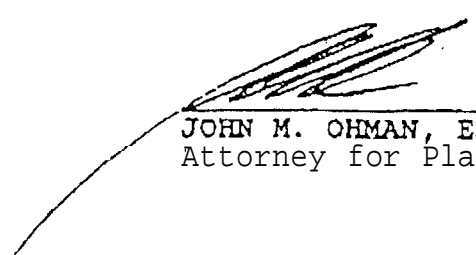
9. The originals of said checks have been deposited, contemporaneously herewith **with the** Clerk of the within Court.

10. Plaintiff requests **that** the named Defendants be required to **present** their claims to the within Court and that a judicial determination then be made as to the party entitled to the proceeds.

11. Plaintiff requests that the Defendants, or any of them, be **required to** pay its attorney's fees **and costs** incurred herein, in a sum not less than \$350.

WHEREFORE, Plaintiff requests the Court's determination as to which of the within Defendants is entitled the subject proceeds; for an immediate order releasing Plaintiff from the within action, without further costs or expense; and awarding to Plaintiff against **these Defendants** its attorney's fees **and costs** incurred herein in a sum not less than \$350.

DATED This September. 2, 1993.



JOHN M. OHMAN, ESQ.
Attorney for Plaintiff