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FILED
U.S. DISTRICT COURT

2009 JAN 22 P 3:56

DISTRICT COURT
**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION**

Elizabeth Bierly, Tim Bierly, Peter Bierly,
In the Interest of, Jordan Bierly, Leigh
Bierly (minors under the age of 18 years)
Plaintiffs

**AFFIDAVIT OF REV. EDWARD
ALLAN BUCK**

Case No. 2:08-cv-00948

v.

Jury trial demanded

Mark Hirata, et. al.,
Defendants

**Judge: T. Campbell
Magistrate: D. Nuffer**

AFFIDAVIT OF REV. EDWARD ALLAN BUCK

I, Rev. Edward Allan Buck, state:

1. I am a resident of Weber County, State of Utah, and am over the age of twenty-one years. The following is based upon my personal knowledge.

2. On December 30, 2008, acting on behalf of the Plaintiff, I rendered service of process upon the State of Utah named Defendants at the Office of the State of Utah Attorney General's Office in the Capitol Complex

3. First attempt to render service of process was rendered at the Offices of the State of Utah Attorney General located at 160 East 300 South, Salt Lake City, Utah. This location is a sealed area for floors 5 and 6, with access to the two floors by appointment only.

4. The receptionist on duty at the security desk made two separate telephone calls to the upper floors to facilitate in locating the place that service of process could be rendered upon the named Defendants.

5. Receptionist was told the names of the Defendants and the agency at which they were employed and she conveyed this information to the party she spoke with per this particular parties request.

6. Receptionist informed me that I was to render service of process upon the State of Utah named employees at the Office of the State of Utah Attorney General Mark Shurtleff located in the Capital Complex.

7. Upon arriving at the desk of receptionist Jennifer Welsh, I informed her of the information given to me by the Office on 300 South for service of process upon the State of Utah named Defendants. She stated that she was not sure about this and telephoned to the back section stating to whom the service of process was being attempted upon. About this time a gentleman appeared from behind the closed door whose name is Wade [as she addressed him].

8. 'Wade' reviewed the Complaint and the named Defendants and "willfully and knowingly" told receptionist Jennifer Welsh to go ahead and accept service of process. 'Wade' then exited the reception area and closed the door behind him.

9. I then asked receptionist Jennifer Welsh if she was going to accept service of process for the named Defendants of the State of Utah and she “willfully and knowingly” stated yes she was.

10. I apologized to receptionist Jennifer Welsh for the confusion and she stated that it was all right since she “does this all the time”. Receptionist Jennifer Welsh then printed her name on the Certificate of Service per my request. I then exited the Capital Complex.

11. On January 22, 2009, while accompanying the Plaintiff to the Federal District Court Clerk’s Office, I read the **DECLARATION OF JENNIFER WELCH**, submitted under the penalty of perjury and submitted by Assistant Utah Attorney General William F. Hanson.

12. The documents submitted by Assistant Utah Attorney General William F. Hanson; Motion to Quash Service, Memorandum in Support to Quash Service and Declaration of Jennifer Welsh are addressed from the original place of the first attempt of service of process by me upon the State of Utah named Defendants. Therefore, the service of process is correct in its nature and the criminal conduct by the Office of the State of Utah Attorney General’s Office perpetrated in the effort to subvert legal attempts of service of process violates State of Utah Criminal Codes:

76-8-201. Official misconduct – Unauthorized acts or failure of duty.

A public servant is guilty of a class B misdemeanor if, with an intent to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office, or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.

76-8-502. False or inconsistent material statements.

A person is guilty of a felony of the second degree if in any official proceeding:

(1) He makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and he does not believe the statement to be true;

12. The **DECLARATION OF JENNIFER WELSH** was submitted in conjunction with the Motion to Quash Service and Memorandum in Support of Motion to Quash. Said declaration is false in paragraph 3, page 2, lines 6, 7, 8, & 9. Therefore the **DECLARATION OF JENNIFER WELSH** constitutes the "willful, intentional, knowing, and malicious" criminal act of perjury and other Federal criminal acts regarding such actions committed in a Federal District Court action.

13. My declaration is an exact description of what occurred during the entire process of attempting and rendering service of process upon the named State of Utah employees. Therefore, Jennifer Welsh has committed perjury and Assistant Utah Attorney General William F. Hanson has committed subordination of perjury.

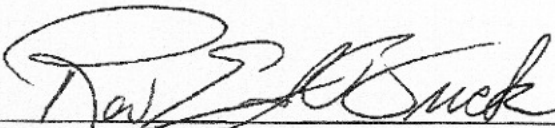
14. I am not a party to the Complaint and will not benefit from any result beneficial to the Plaintiff.

15. Documents were filed after the twenty day time frame as stipulated in Rule 12.

DECLARATION UNDER PENALTY OF PERJURY

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 22nd day of January, 2009



Rev. Edward Allan Buck

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

<p>ELIZABETH BIERLY, et al., Plaintiffs, vs. MARK HIRATA, et al., Defendants.</p>	<p>DECLARATION OF JENNIFER WELSH Case No. 2:08-CV-948-TC-DN Judge Tena Campbell Magistrate Judge David Nuffer</p>
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I, Jennifer Welsh, state:

1. I am a resident of Salt Lake County, State of Utah, and am over the age of twenty-one years. The following is based on my personal knowledge.

2. I am an employee of the State of Utah. I currently serve as a part-time receptionist

for the Executive Division of the Office of the Utah Attorney General. I have served in that capacity since approximately October of 1998. I work alone in the reception area of the Executive Division, which is an enclosed room that is separate from the other areas occupied by

the Executive Division. Those other areas are accessed through a locked door that can be opened only by access button or card key.

3. On or about December 30, 2008, a person who represented himself as a process server appeared in the reception area of the Executive Division of the Office of the Utah Attorney General and handed me 1) a copy of the Plaintiffs' amended complaint and 2) a copy of a summons for each of the following persons: Mark Shurtleff, Paul Amann, Liz Knight, Olof Johansson, Richard Anderson, Carolyn Thomas, Patti Van Wagoner, and Barry Richards. None of those persons has authorized me to receive service of process for her or him. I told the person who represented himself as a process server that I was not authorized to receive service of process for those persons, but he handed me the copy of the amended complaint and the copies of the summonses anyway.

DECLARATION UNDER PENALTY OF PERJURY

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 20th day of January, 2009.

/s/ Jennifer Welsh
Jennifer Welsh
(Copy of original signature of Jennifer
Welsh is being maintained in the office
of the Filing Attorney)

CERTIFICATE OF SERVICE

I certify that on January 20, 2009, I electronically filed the foregoing, **DECLARATION OF JENNIFER WELSH**, using the Court's CM/ECF system, and also mailed a true and correct copy thereof by United States mail, postage prepaid, to the following:

Elizabeth Bierly and Tim Bierly, Peter Bierly
Jordan Bierly and Leigh Bierly, c/o Elizabeth
Bierly
6809 South 500 East
Midvale, Utah 84047

/s/ Yvonne Schenk