Any Classified Document Downgraded in this packet is done so under the Memorandum for Record, dated 28 February 2007, Subject: Declassification Guidance for Operation Iraqi Freedom (OIF) 05-07 issued by the 4th Infantry Division G2

DEPARTMENT OF THE ARMY4TH BRIGADE COMBAT TEAM, 4TH INFANTRY DIVISION

FOB PROSPERITY, BAGHDAD, IRAQ
APO AE 09348

REPLY TO ATTENTION OF:

AFYB-UA-CDR

2 February 2006

MEMORANDUM FOR Commander, Multi-National Division - Baghdad, Camp Liberty, APO AE 09352

SUBJECT: Recommendations - AR 15-6 Investigation Re: EOF-8-10 (Death of 1 LN) - 29 Jan

- 1. I have reviewed the above described investigation and recommend approval of the findings and recommendations. The soldiers correctly applied escalation of force procedures. They were in a cordon of a PVIED. Given those circumstances, and the warning equipment used in the cordon, the soldiers complied with the ROE. I recommend no adverse action be taken against them.
- 2. I agree with the IO and Squadron Commander's assessment that not using the spike strip was a critical error. I support the Squadron Commander's EOF training efforts. All units in this Brigade will soon have additional and improved warning resources.

3. My POC for this action is

COL, IN

COL, IN Commanding

> ALL ITEMS ARE REDACTED UNDER 5USC552(B)(6) UNLESS OTHERWISE NOTED

DEPARTMENT OF THE ARMY

HEADQUARTERS, 8TH SQUADRON, 10TH U.S. CAVALRY REGIMENT 4TH BRIGADE COMBAT TEAM, 4TH INFANTRY DIVISION (MECHANIZED) APO, AE 09361-2505

AFYB-UA-UAA

29 January 2006

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation Table of Contents

- 1. The following documents are included in the AR 15-6 investigation packet concerning a lethal engagement that occurred on or about 291835JAN06 during combat operations:
 - a. DA FORM 1574, Reporting by Investigating Officer
 - b. AR 15-6 Investigating Officer Appointment Orders
 - c. Exhibits
 - (1) Exhibit A: 4ID SIR
 - (2) Exhibit B: DA FORM 2823, Sworn Statement by
 - (3) Exhibit C: DA FORM 2823, Sworn Statement by
 - (4) Exhibit D: DA FORM 2823, Sworn Statement by
 - (5) Exhibit E: DA FORM 2823, Sworn Statement by
 - (6) Exhibit F: DA FORM 2823, Sworn Statement by
 - (7) Exhibit G: Incident Storyboard Presentation
 - (8) Exhibit H: Excerpt from A/8-10 CAV TACSOP
 - (9) Exhibit I: AW6 Patrol Report
 - (10) Exhibit J: On Site Photographs
- 2. POC this memorandum is the undersigned,



MAJ, AR

AR 15-6 Investigating Officer

ALL ITEMS ARE REDACTED UNDER 5USC552(B)(6) UNLESS OTHERWISE NOTED

REPORT OF PROCEEDINGS BY I	INVESTIGATI	IG OFFICER/BOAR	OF OFFICERS			
For use of this form,	see AR 158; the prep	oncat agency is DTJAG.				
IF MORE SPACE IS REQUIRED IN FILLING OUT	<i>l' any portio.</i> Tion i - appoint	N OF THIS FORM,	TTACH ADDITIONAL	SHEETS		_
•	HUN'T - APPUINT	MERI				4
Appointed by Leutenant Colonel Commander, 8		th ID (M), Camping authority)	Falcon, Iraq, 0936	51	***	-
on 29 January 2006 (Attach inclosure 1: Letter of appoints	uent or summar	y of oral appointmen	t data.) (See para 3-15.	'AR IS-6.)		_
SF	CTION II - SESSI	ONS				
The (investigation) (bound) commenced at Camp Union III, Iraq						
The (investigation) (votata) commenced at	(Place)		at	1300 (Time)		_
on 30 January 2006 (If a formal board met for more than of ended, the place, persons present and absent, and explanation of absences, present: (After each name, indicate capacity, e.g., President, Recorder, M.	one session, che if any.) The fo	llowing persons. Int	e in an inclosure the tiventhers, respondents, co		ınd	•
			4.			
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		RE	L ITEMS ARE DACTED UNDER	l I		٠
		N N	SC552(8)(6) LESS OTHERWI TED	SE		
The (investigating officer) (board) finished gathering/hearing evidence at		0937 (Time)	on	31 January 200 (Date)	6	
and completed findings and recommendations at	1011	(marital)	1 1	ebruary 2006		
na completed interings and recommendations at	(Time)		_ on1	(Date)		
SECTION III -	CHECKLIST FOR	PROCEEDINGS				
A. COMPLETE IN ALL CASES				XES	NOU	VΑ
Inclosures (para 3-15, AR 15-6)						
Are the following inclosed and numbered consecutively with Roman num	ierals: (Attachi	ed in order listed)				
a. The letter of appointment or a summary of oral appointment data?] X		
b. Copy of notice to respondent, if any? (See item 9, below)	·					X
c. Other correspondence with respondent or counsel, if any?	·····					X
d. All other written communications to or from the appointing authority	?		· · · · · · · · · · · · · · · · · · ·	I X		
e. Privacy Act Statements (Certificate, if statement provided orally)?				X		
f. Explanation by the investigating officer or board of any unusual delay	s, difficulties,	irregularities, or oth	er problems			×
encountered (e.g., absence of material witnesses)?					<u> </u>	
g. Information as to sessions of a formal board not included on page 1 of					<u> </u>	X
h. Any other significant papers (other than evidence) relating to admini	istrative aspects	of the investigation	or board?			X
OTNOTES: 11 Explain all negative answers on an attached sheet. 21 Use of the N/A column constitutes a positive representation that the or board.	: circumstances di	iscribed in the question	did not occur in this inves	ligation		

DA FORM 1574, MAR 83

EDITION OF NOV 77 IS OBSOLETE.

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USAPA V 1.20

2	Exhibits (para 3-16, AR 15-6)	YES	NOU	NA2
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as		100	1.77
ı	exhibits and attached to this report?	X		1 1
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	ΙX		
Ī	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
ŀ	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	+		X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	\perp_{\times}	<u> </u>	\Box
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an			
	exhibit or recorded in a verbatim record?			X
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			×
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	_	 	V
В	COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter S. AR 15-6)			
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?		·	
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?		1	
6	The state of the s	-	1	X
17	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			X
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			X
Ļ				
	. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6) Notice to respondents (para 5-5, AR 15-6):			
9				
ľ	 a. Is the method and date of delivery to the respondent indicated on each letter of notification? b. Was the date of delivery at least five working days prior to the first session of the board? 		<u> </u>	
	c. Does each letter of notification indicate—		 	
	(I) the date, hour, and place of the first session of the board concerning that respondent?		 	
	(2) the matter to be investigated, including specific allegations against the respondent, if any?		┼	
	(3) the respondent's rights with regard to counsel?		₩	- 4
	(4) the name and address of each witness expected to be called by the recorder?		╁──	-
	(5) the respondent's rights to be present, present evidence, and call witnesses?		+	- ()
	d. Was the respondent provided a copy of all unclassified documents in the case file?		-	
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	-	+-	X
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):		-45- j.d	
	a. Was he properly notified (para 5-5, AR 15-6)?			X
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?		1	X
11	Counsel (para 5-6, AR 15-6):	Ç.		
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
			ere Security	
	(If counsel is a lawyer, check here [])			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			X
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?	*		X
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6);			
1.ii	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?		+	+ >
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
-	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	-	-	X
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?		-	TŶ
	d. Call witnesses and otherwise introduce evidence?		\top	
	e. Testify as a witness?		-	
ĺ	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in	1	1	•
ļ	arranging for the presence of witnesses (para 5-8b, AR 15-6)?		İ	X
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?		-	×
FO	OTNOTES: 1) Explain all negative answers on an attached sheet. 2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.			

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SECTION IV - FINDINGS	(para 3-10, AR 15-6)
The (investigating officer) (board), having carefully considered the evidence That Private First Class that truly felt his life, and the lidanger and fired disabling shots to render a possible VBIED inoperation-combatant who was a passenger in the automobile advancing tow it approached PFC that caused the disabling shots to travel up to	ves of the soldiers in the vicinity of the southern cordon, were in le. PFC districted did not intentionally shoot to kill an Iraqi and the southern cordon position. The vehicle's increasing speed as
On 29 January 2006 PFC did fire 14 rounds of 5.56mm and operated by two Iraqi non-combatants (Ex. B, D, E, G). Warning measures not (Ex. D, G). Spike strips were available on board Alpha Whit commander, SGT did not set aside time to inspect the warning measure used because the Troop's tactical SOP, at the time of this incident, did blocking positions (Ex. H); however this is a measure that is contain higher headquarters such as green lasers, warning signs fordrivers in not utilized because they have been ordered but have yet to arrive.	easures were employed, but one critical measure that was available to 8's (AW 8) M1114 but were not set up to because the vehicle place were sufficient to deter vehicles and the section sergeant, SSG as employed by the AW 8 crew (Ex. C, D). Concertina wire was not d not require vehicle crews to emplace this measure when setting up set in the Squadron's blocking position procedures. Items directed by
With the warning measures available to them, PFC and and the civilian car from advancing on their cordon position (Ex. B, D, E, F) high intensity spotlight, and the interpreter on the vehicle's loud speaknowledge of past VBIEDs in the area (Ex. D), causing heightened at and the present mission of cordoning off the area for a possible VBIE (EOF) procedures by using controlled and well-aimed fire in his atternal to the controlled and well-aimed for the controlled and well-aimed f	The crew of AW 8 did use Surefire weapons lights, a portable, ker system to warn the advancing vehicle to stop. Even with the wareness of vehicles attempting to advance towards cordon positions, D (Ex. C, D, I) PFC did employ Escalation of Force
According to more than one sworn statement, the advancing automob barrier and PFC warning shot (Ex. B, D). PFO render the automobile's engme inoperable, but approximately four rekilling the front seat passenger (Ex. B, D, I). Causation of these rou automobile after it broke through the traffic cone barrier and PFC possible VBIED advancing on his position. The front turret shield she came within 15 to 20 meters of the cordon position. After the incider assistance to the wounded non-combatant (Ex. C, D).	did attempt to alter the aiming point of his disabling shots, so as to binds penetrated the windshield slightly wounding the driver and has impacting the windshield lean towards the acceleration of the use of the M1114 front turret shield to protect him from this ghilly inhibitted him from altering his aiming point as the vehicle
PFC demonstrated sincere sympathy for the loss of life duprofessional manner. The evidence supports the finding that PFC the vehicle from advancing towards his position and the soldiers arountack.	ring our interview but felt strongly that he conducted himself in a never intended to kill an Iraqi non-combatant, only prevent and him, who felt their lives were in danger from a possible VBIED
SECTION V - RECOMMENDA	FIONS. (para 3-11, AR 15-6)
In view of the above findings, the (investigating officer) (board) recommend it is clear from the evidence stated above that PFC intended EOF procedures of shooting to kill. No further action is recommend are submitted for consideration to prevent or reduce the chance that the	ds: d to disable a possible VBIBD and did not move to the final step of ed against PFC The The following recommendations
 A Troop, 8-10 CAV must include in the portion of their Tactical chains when conducting blocking position operations. Combat checks and inspections must take place during combat op warning measures available are employed correctly. 	erations. Leaders must find time during operations to ensure that all
are as follows: 2xstrand concertina wire, 8 to 12x traffic cone, 2 to 4. Continued mass purchase of reflective signs that read in English:	, 8xchemilite. These quantities need to double in size. M1114 crews especially in the urban muhallas of Baghdad. Recommended quantitie 3xspike ball chain, 8xbox, chemilite. 3xspike ball chain, 8xbox, chemilite. and Arabic, "ROAD CLOSED, DO NOT ENTER, LETHAL obligation by the points which tell a driver to slow down but to still continue forward gethe message to Iraqi drivers to not advance any further. so the use of EOF procedures and the CFLCC Rules for Use of sonnel within the Squadron once a month. ck their actions at a halt and the employment of warning measures.
	ALL ITEMS ARE REDACTED UNDER 5USC552(B)(6) UNLESS OTHERWISE
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SECTION VI - AUTHENTICATION	
THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If a below, indicate the reason in the space where his signature should appear.)	ny voting member or the recorder fails to sign here or in Section VII
nerow, indicate the reason in the space where his signature should appear.)	
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SECTION YN - MINDRITY REPORT	(para 3-13, AR 15-6)
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in the inclosure, identify by number each finding and/or recommendation in whi casons for disagreement. Additional/substitute findings and/or recommendations	ich the dissenting mamber(s) delas) not concur. State the
annes for marks comment recommendations	s may be included in the inclosure.)
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	(ALALIA SOCIALIA)
SECTION VIII - ACTION BY APPOINTING A	NUTHORITY (para 2-3, AR 15-6)
he findings and recommendations of the (investigating officer) (board) are (a	pproved) (disapproved) (approved with following exceptions/
ubstitutions). (If the appointing authority returns the proceedings to the investig orrective action, attach that correspondence (or a summary, if oral) as a numbe	oting officer or board for further proceedings or
agree with the Investigating Officer's findings and recommendations	PFC control correctly applied EOF stens in the situation that
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USAPA VI.20

DEPARTMENT OF THE ARMY

HEADQUARTERS, 8TH SQUADRON, 10TH U.S. CAVALRY REGIMENT 4TH BRIGADE COMBAT TEAM, 4TH INFANTRY DIVISION (MECHANIZED) APO, AE 03961-2505

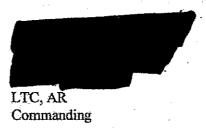
AFYB-UA-UAA

29 January 2006

MEMORANDUM FOR MAJ

SUBJECT: Appointment as Investigating Officer

- 1. You are appointed as an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the incidents surrounding the lethal engagement on 29 January 2006.
- 2. Prior to beginning your investigation, you will consult with MAJ (CPT) or SPC from the Brigade Operational Legal Team. They can be reached at VOIP
- 3. In your investigation, all witness statements will be sworn and written on DA Form 2823. If you come to suspect any individual has committed a crime, you will advise that individual of his or her rights under Article 31 of the UCMJ or the Fifth Amendment, as appropriate, using DA Form 3881.
- 4. Submit your findings and recommendations to me on DA Form 1574 within 72 hours of receipt of this appointment order.



ALL ITEMS ARE REDACTED UNDER SUSC552(B)(6) UNLESS OTHERWISE NOTED

4ID Serious Incident Report

From: Commander, A/8-10 CAV

Thru: Commander, 8-10 CAV

To:

4th ID / Division Operation Center

Subject:

SIR Brumfield, Lethal Engagement (UPDATE)

- 1. Category:
- 2. Type of incident: Lethal Engagement
- 3. DTG:
 - A. DTG of Incident: 291835JAN06
 - B. DTG Unit was notified of Incident: 291840JAN06
 - C. DTG received by DOC:

4. Location:



503(572(6)41)

- 5. Personnel involved:
 - A. Subject:
 - 1. Rank or grade: PFC
 - 2. Social Security Number:
 - 3. Race: Caucasian
 - 4. Sex: Male
 - 5. Age: 23
 - 6. Position: M1114 UAH Gunner
 - Security clearance:
 - 8. Unit and station of assignment: A/8-10 CAV, FOB Union III, Iraq
 - 9. Duty status: Active
 - 10. Marital Status: Single
 - B. Additional personnel involved: (use same format as 5.A. above)
- C. Summary of incident: A patrol element from A/8-10 CAV was conducting a cordon of a Possible Vehicle Borne Improvised Explosive Device (PVBIED) on or about 291800JAN06. At 291835JAN06 the patrol element had to use Escalation of Force (EOF) measures to try and stop a civilian automobile that was about to break the cordon. PFC Brumfield fired warning shots at the vehicle that resulted in one Local National (LN) WIA and one LN KIA. The LN WIA was treated on sight and the IPs were notified to come and retrieve the LN KIA. 15-6 investigation is being conducted. UPDATE, 300745JAN06: After initial commander's inquiry and interviews with soldiers at the scene, the following update is provided. The element involved, Apache White 8

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(AW8), set their cordon and had set cones out approximately 40 meters from their position. They did not have their wire or spike strips employed. As the civilian vehicle approached, the crew of AW8 used Surefire lights and portable spot lights to signal the vehicle to stop. They also had their interpreter use the loud speaker system to instruct the occupants of the vehicle to stop. As the vehicle kept moving forward, soldiers fired disabling shots at the tires and into the hood. At this moment, according to interviews of soldiers by CPT (the A Troop Commander), the vehicle sped up and the soldiers fired killing shots at the occupants. The vehicle came to a stop and the driver got out with his hands up. The driver was slightly injured; a grazing wound, reportedly, to the head. Soldiers then cleared the vehicle of any ordnance (there was none) and called medics forward to tend to the passenger of the vehicle. The medics determined the male passenger of the vehicle was dead. The 8-10 CAV Squadron Executive Officer will initiate an AR 15-6 investigation on 30 JAN 2006.

6. Other Information:

- A. Racial Involvement: None
- B. Alcohol Involvement: None
- C. Last Deployment to OIF/OEF (include start and end dates): SM has not deployed to OIF/OEF in the past.
- 7. Remarks: 15-6 started by 8-10 CAV
- Commander reporting: CPT
- 9. Point of contact: CPT
- 10. Report originated by: CPT
- 11. Released by: MAJ
- 12. Unit Notifications:

A. <u>Telephone</u>

Position

Name

Time

Instructions

B. Email

Position Battle CPT

Name .

<u>Time</u> 292100JAN06

Instructions
Send SIR to BDE

FOD / DOC NCO ONLY:

Current FOD & DOC NCOIC:

FOD / DOC NCO Actions:

ALL ITEMS ARE REDACTED UNDER SUSC552(B)(B) UNLESS OTHERWISE MATED FOD Notifications:

A. <u>Telephone</u>

Position Name Time Instructions

B. <u>Email</u>

Position Name Time Instructions

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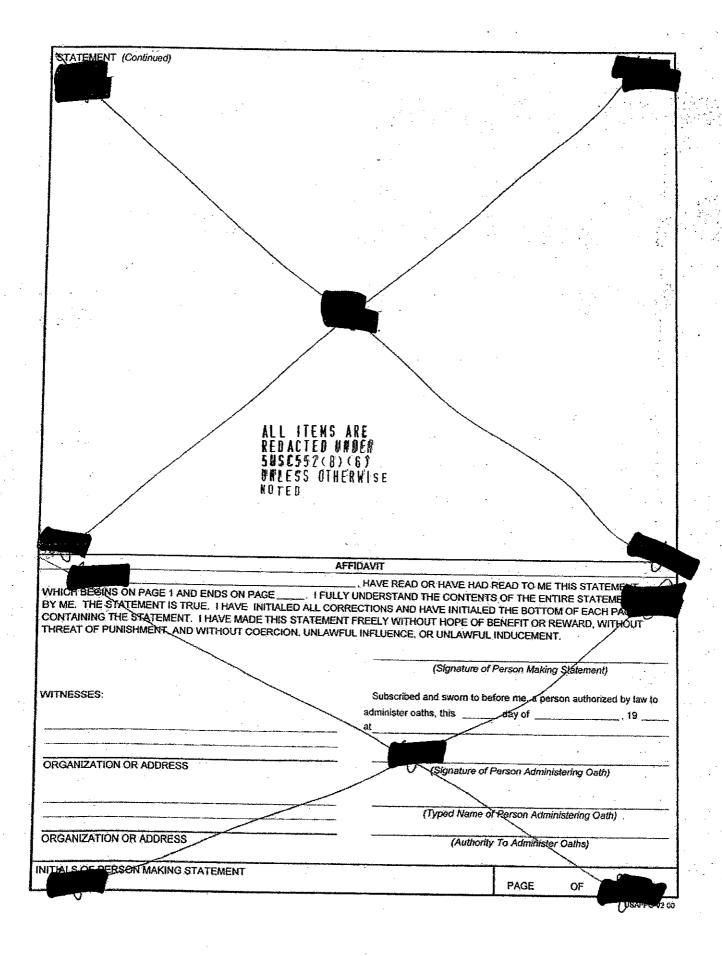
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STATEMENT (Continued)	College Add to
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resp.	A: I THINK 14.
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C. H. W. C.D. L. C.	
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	LACER TO MORE SUME MY GUAS HAVE THE
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C): ROES YOUR US	SUME IF ANOTHER CHIT PUT THAT IN ON LOCAL MATIONISS :
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DG . YES, THE CHAIN	WITH A COUPLE OF SPIKES ONLY. NO.
Cart Louis 2	TOOME OF SPIKES ONLY. NO
Q: WHY NOT?	
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TCP OPERATION	& DIDENTE LO PE USED IN
AND WOREPA	S. DIDN'T OCCUR TO USE THEM AT NUMBBLOCK. CONES AND
LICHTS NAD WOR	KED WITH PRIOR HENRY THE COME TO
Dillation was to	SET OF THE PRIOR USHICLES THAT CAME TO THE READBLOCK
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I IN THE CONNER'S	HATCH
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1: NO SHIPMILL OF A SILVE	and the second s
THE TEND STARTED YELLING	FOR THEM TO STOP AND THE WAS AND WE STATED FLASHING OUR GOATS AND
NO MY CHUNEN FIRED W	FOR THEM TO STOP AND THAT KART COMMAG. THEY KNOCKED OLER THE GOLD
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HICH BEGINS ON PAGE 1 AND E	NOS ON DAGE
ME. THE STATEMENT IS TRUE	NDS ON PAGE I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE STATEMENT MADE HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF SENERT OF THE HAVE HAVE INITIALED THE BOTTOM OF EACH PAGE
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	TO THE
	(Signature of Person making Statement)
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•	Subscribed and sworn to before me, a person authorized by law to
-	day of Shadan
	at FOB UNION III, I ARD
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