AO 10
Rev. 1/2006

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2005

*Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 101-111)*

| 1. Person Reporting (last name, first, middle initial) | 2. Court or Organization | 3. Date of Report |
|---|---|---|
| Tymkovich, Timothy M | Tenth Circuit Court of Appeals | 08/9/2006 |
| **4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)** | **5a. Report Type (check appropriate type)** | **6. Reporting Period** |
| U.S. Circuit Judge -- Active | ☐ Nomination, Date<br>☐ Initial ☒ Annual ☐ Final<br>5b. ☐ Amended Report | 01/01/2005 to 12/31/2005 |
| **7. Chambers or Office Address** | **8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.** | |
| 1823 Stout<br>Denver, CO 80202 | Reviewing Officer_____ Date_____ | |

***IMPORTANT NOTES:*** *The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.*

## I. POSITIONS. *(Reporting individual only; see pp. 9-13 of instructions.)*

☐ NONE *(No reportable positions.)*

| POSITION | NAME OF ORGANIZATION/ENTITY |
|---|---|
| 1. member | 230 Joint Venture |
| 2. Member, Power of attorney | 433 Joint Venture |
| 3. Member | HHT LLC |
| 4. | |
| 5. | |

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FINANCIAL DISCLOSURE

## II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of instructions.)*

☐ NONE *(No reportable agreements.)*

| DATE | PARTIES AND TERMS |
|---|---|
| 1. 2003 | Hale Hackstaff 401K plan |
| 2. 2003 | withdrawal agreement Hale Hackstaff Tymkovich LLC |
| 3. 2003 | 433 Joint Venture |
| 4. 2003 | HHT LLC |
| 5. 2004 | 230 Joint Venture |

## III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of instructions.)*

### A. Filer's Non-Investment Income

☐ NONE *(No reportable non-investment income.)*

| | DATE | SOURCE AND TYPE | INCOME (yours, not spouse's) |
|---|---|---|---|
| 1. | 1//05 | [redacted] - gift | $ 10,000 |
| 2. | 1/05 | [redacted] Tymkovich -- interest in real estate | $ 10,000 |
| 3. | | | |
| 4. | | | |
| 5. | | | |

### B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*

*(Dollar amount not required except for honoraria.)*

☐ NONE *(No reportable non-investment income.)*

| | DATE | SOURCE AND TYPE |
|---|---|---|
| 1. | 2005 | self-employed -- writer |
| 2. | 1/05 | [redacted] -- gift |
| 3. | | |
| 4. | | |
| 5. | | |

## IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.*

*(Includes those to spouse and dependent children. See pp. 25-27 of instructions.)*

☐ NONE *(No reportable reimbursements.)*

| | SOURCE | DESCRIPTION |
|---|---|---|
| 1. | Cornell Law School | reimbursement of travel (April. 2005) |
| 2. | Aspen Institute | reimbursement of travel (April 2005) |
| 3. | Federalist Society | reimbursement of travel (Oct 2005) |
| 4. | Federalist Society | reimbursement of travel Phoenix(June 2005) |
| 5. | Federalist Society | reimbursement of travel Harvard (Oct 2005) |

## V. GIFTS. *(Includes those to spouse and dependent children. See pp. 28-31 of instructions.)*

[X] NONE *(No reportable gifts.)*

| | SOURCE | DESCRIPTION | VALUE |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |

## VI. LIABILITIES. *(Includes those of spouse and dependent children. See pp. 32-34 of instructions.)*

[ ] NONE *(No reportable liabilities.)*

| | CREDITOR | DESCRIPTION | VALUE CODE |
|---|---|---|---|
| 1. | Countrywide | rental mortgage | L |
| 2. | Heritage | building loan | M |
| 3. | Schwab | line of credit | M |
| 4. | Heritage | line of credit | K |
| 5. | Heritage | building loan | M |

| Name of Person Reporting | Date of Report |
|---|---|
| Tymkovich, Timothy M | 08/9/2006 |

## VII. INVESTMENTS and TRUSTS – *income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions)*

☐ NONE *(No reportable income, assets, or transactions.)*

| A. Description of Assets (including trust assets). Place "(X)" after each asset exempt from prior disclosure | B. Income during reporting period (1) Amount Code 1 (A-H) | B. (2) Type (e.g. div., rent, or int) | C. Gross value at end of reporting period (1) Value Code 2 (J-P) | C. (2) Value Method Code 3 (Q-W) | D. Transactions during reporting period (1) Type (e.g. buy, sell, merger, redemption) | D. If not exempt from disclosure (2) Date Month - Day | (3) Value Code 2 (J-P) | (4) Gain Code 1 (A-H) | (5) Identity of buyer/seller (if private transaction) |
|---|---|---|---|---|---|---|---|---|---|
| 1. Schwab Money Market Fund | B | Interest | M | T | | | | | |
| 2. Merrill Lynch Bank USA | C | Interest | J | T | | | | | |
| 3. Advanced Fiber Commn. | | None | J | T | | | | | |
| 4. | | | | | | | | | |
| 5. Agilent Technology | | None | J | T | | | | | |
| 6. AT&T | A | Dividend | J | T | | | | | |
| 7. Comcast | A | Dividend | J | T | | | | | |
| 8. Wyeth (formerly American Home Products) | D | Dividend | M | T | | | | | |
| 9. Bank of America | A | Dividend | K | T | | | | | |
| 10. Treasury Bond | A | Interest | J | T | | | | | |
| 11. Treasury Bond | A | Interest | J | T | | | | | |
| 12. Treasury Bond | A | Interest | J | T | | | | | |
| 13. Treasury Bond | A | Interest | J | T | | | | | |
| 14. Northeast Bond | A | Interest | J | T | | | | | |
| 15. Coca Cola | A | Dividend | K | T | | | | | |
| 16. | | | | | | | | | |
| 17. General Electric | D | Dividend | N | T | | | | | |

1. Income Gain Codes: (See Columns B1 and D4) — A =$1,000 or less; B =$1,001 - $2,500; C =$2,501 - $5,000; D =$5,001 - $15,000; E =$15,001 - $50,000; F =$50,001 - $100,000; G =$100,001 - $1,000,000; H1 =$1,000,001 - $5,000,000; H2 =More than $5,000,000
2. Value Codes (See Columns C1 and D3) — J =$15,000 or less; K =$15,001 - $50,000; L =$50,001 - $100,000; M =$100,001 - $250,000; N =$250,001 - $500,000; O =$500,001 - $1,000,000; P1 =$1,000,001 - $5,000,000; P2 =$5,000,001 - $25,000,000; P3 =$25,000,001 - $50,000,000; P4 =More than $50,000,000
3. Value Method Codes (See Column C2) — Q =Appraisal; R =Cost (Real Estate Only); S =Assessment; T =Cash Market; U =Book Value; V =Other; W =Estimated

| Name of Person Reporting | Date of Report |
|---|---|
| Tymkovich, Timothy M | 08/9/2006 |

## VII. INVESTMENTS and TRUSTS – *income, value, transactions (includes those of the spouse and dependent children. See pp. 34-57 of filing instructions)*

☐ NONE *(No reportable income, assets, or transactions.)*

| A. Description of Assets (including trust assets). Place "(X)" after each asset exempt from prior disclosure | B. Income during reporting period (1) Amount Code 1 (A-H) | B. (2) Type (e.g. div., rent, or int.) | C. Gross value at end of reporting period (1) Value Code 2 (J-P) | C. (2) Value Method Code 3 (Q-W) | D. Transactions during reporting period (1) Type (e.g. buy, sell, merger, redemption) | D. If not exempt from disclosure (2) Date Month - Day | (3) Value Code 2 (J-P) | (4) Gain Code 1 (A-H) | (5) Identity of buyer/seller (if private transaction) |
|---|---|---|---|---|---|---|---|---|---|
| 18. Freescale Semi | A | Dividend | J | T | | | | | |
| 19. Hewlett Packard | B | Dividend | L | T | | | | | |
| 20. IBM | A | Dividend | K | T | | | | | |
| 21. Imation | A | Dividend | J | T | | | | | |
| 22. Intel | A | Dividend | M | T | | | | | |
| 23. | | | | | | | | | |
| 24. Johnson & Johnson | A | Dividend | K | T | | | | | |
| 25. Key Corp. | A | Dividend | J | T | | | | | |
| 26. Micron Technology | A | Dividend | K | T | | | | | |
| 27. Microsoft | | None | L | T | | | | | |
| 28. 3M | A | Dividend | K | T | | | | | |
| 29. Motorola | A | Dividend | K | T | | | | | |
| 30. Nokia | A | Dividend | J | T | | | | | |
| 31. Paychex | A | Dividend | K | T | | | | | |
| 32. Sara Lee | A | Dividend | J | T | | | | | |
| 33. Schwab Total Stk | C | Dividend | K | T | | | | | |
| 34. Speechworks International | | None | | T | | | | | |

1. Income Gain Codes: (See Columns B1 and D4)
2. Value Codes (See Columns C1 and D3)
3. Value Method Codes (See Column C2)

A =$1,000 or less
B =$1,001 - $2,500
C =$2,501 - $5,000
D =$5,001 - $15,000
E =$15,001 - $50,000
F =$50,001 - $100,000
G =$100,001 - $1,000,000
H1 =$1,000,001 - $5,000,000
H2 =More than $5,000,000
J =$15,000 or less
K =$15,001 - $50,000
L =$50,001 - $100,000
M =$100,001 - $250,000
N =$250,001 - $500,000
O =$500,001 - $1,000,000
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| A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure | B. Income during reporting period | | C. Gross value at end of reporting period | | D. Transactions during reporting period | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | If not exempt from disclosure | | | |
| | (1) Amount Code 1 (A-H) | (2) Type (e.g. div., rent, or int.) | (1) Value Code 2 (J-P) | (2) Value Method Code 3 (Q-W) | (1) Type (e.g. buy, sell, merger, redemption) | (2) Date Month - Day | (3) Value Code 2 (J-P) | (4) Gain Code 1 (A-H) | (5) Identity of buyer/seller (if private transaction) |
| 35. Tell Labs | | | | | | | | | |
| 36. Templeton Developing | A | Dividend | J | T | | | | | |
| 37. Templeton Emerging Markets | A | Dividend | J | T | | | | | |
| 38. Voyageur Colorado Fund | A | Interest | J | T | | | | | |
| 39. Walmart | A | Dividend | M | T | | | | | |
| 40. Hale Hackstaff Tymkovich | | None | L | W | | | | | |
| 41. Northwest Mutual insurance cash value | B | Interest | K | T | | | | | |
| 42. Coca Cola | A | Dividend | J | T | | | | | |
| 43. Government Trust Bond | A | Interest | J | T | | | | | |
| 44. Treasury Bond I | A | Interest | K | T | | | | | |
| 45. Treasury Bond II | A | Interest | J | T | | | | | |
| 46. Treasury Bond III | A | Interest | J | T | | | | | |
| 47. Treasury Bond IV | A | Interest | J | T | | | | | |
| 48. New York Trust Bond | A | Interest | J | T | | | | | |
| 49. Johnson & Johnson | A | Dividend | K | T | | | | | |
| 50. Treasury V | A | Interest | J | T | | | | | |
| 51. Treasury VI | A | Interest | J | T | | | | | |

1. Income Gain Codes: (See Columns B1 and D4)
A =$1,000 or less
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H1 =$1,000,001 - $5,000,000
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2. Value Codes (See Columns C1 and D3)
J =$15,000 or less
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L =$50,001 - $100,000
M =$100,001 - $250,000
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|---|---|---|---|---|---|---|---|---|---|
| 52. Treasury VII | A | Interest | J | T | | | | | |
| 53. Treaaury VIII | A | Interest | J | T | | | | | |
| 54. Treasury IX | A | Interest | J | T | | | | | |
| 55. Treasury X | A | Interest | J | T | | | | | |
| 56. Walmart | A | Dividend | K | T | | | | | |
| 57. General Electric | A | Dividend | L | T | | | | | |
| 58. IBM | A | Dividend | K | T | | | | | |
| 59. Microsoft | B | Dividend | L | T | | | | | |
| 60. Motorola | A | Dividend | J | T | | | | | |
| 61. Walmart | A | Dividend | K | T | | | | | |
| 62. Wells Fargo | A | Dividend | K | T | | | | | |
| 63. | | | | | | | | | |
| 64. | | | | | | | | | |
| 65. 230 Joint Venture (Co rental)($100,000; 10/2004) | A | Rent | L | R | | | | | |
| 66. Pfizer | B | Dividend | J | T | | | | | |
| 67. HHT LLC | D | Distribution | M | T | | | | | |
| 68. Sun America Focused | E | Dividend | K | T | | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 69. Sun America Large Cap | D | Distribution | K | T | | | | | |
| 70. 433 Joint Venture, Co. condo ($100,000, 8/2003) | A | Rent | L | R | | | | | |
| 71. Russell 3000 Index Fund | A | Dividend | K | T | buy | 11/05 | K | | |
| 72. Russell Mid Cap Value Fund | A | Dividend | J | T | buy | 11/05 | J | | |
| 73. Russell 2000 Index Fund | A | Dividend | J | T | buy | 11/05 | J | | |
| 74. MSCI All Country World Ex-US Index Fund | A | Dividend | J | T | buy | 11/05 | J | | |

| | | | | | |
|---|---|---|---|---|---|
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| 2. Value Codes (See Columns C1 and D3) | J =$15,000 or less | K =$15,001 - $50,000 | L =$50,001 - $100,000 | M =$100,001 - $250,000 | |
| | N =$250,001 - $500,000 | O =$500,001 - $1,000,000 | P1 =$1,000,001 - $5,000,000 | P2 =$5,000,001 - $25,000,000 | |
| 3. Value Method Codes (See Column C2) | P3 =$25,000,001 - $50,000,000 | R =Cost (Real Estate Only) | P4 =More than $50,000,000 | T =Cash Market | |
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| Name of Person Reporting | Date of Report |
|---|---|
| **Tymkovich, Timothy M** | 08/9/2006 |

## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report.)*

| Name of Person Reporting | Date of Report |
|---|---|
| Tymkovich, Timothy M | 08/9/2006 |

## IX. CERTIFICATION.

**I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.**

**I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.**

**Signature** [redacted] **Date** 8/9/2006

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)**

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544