

50-10
Rev. 1/83

FINANCIAL DISCLOSURE REPORT

 Report Required by the Ethics
 Reform Act of 1980, Pub. L. No.
 101-194, November 30, 1980
 (9 U.S.C.A. App. 6, §§101-112)

1. Person Reporting (Last name, first, middle initial) Biery, Samuel F., Jr.	2. Court or Organization United States District Court for the Western District of Texas (Nominee)	3. Date of Report 11/22/93
4. Title (Article III Judges indicate active or senior status; Magistrate Judges indicate full- or part-time) Active (Nominee)	5. Report Type (check appropriate type) ☒ Nomination, Date <u>11/19/93</u> ☐ Initial ☐ Annual ☐ Final	6. Reporting Period 1/1/92-11/22/93
7. Chambers or Office Address 4th Court of Appeals Bexar County Justice Center San Antonio, Texas 78205	8. On the basis of the information contained in this Report, it is, in my opinion, in compliance with applicable laws and regulations _____ Reviewing Officer Signature _____	

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

I. POSITIONS. (Reporting individual only; see pp. 7-8 of Instructions.)

POSITION

NAME OF ORGANIZATION/ENTITY

☐

NONE (No reportable positions)

Partner Biery-Hand Joint Venture (office building)

Partner Biery-Francis Joint Venture (office Building)

Partner Biery-Bluntzer Joint Venture (rent house)

II. AGREEMENTS. (Reporting individual only; see p. 8-9 of Instructions.)

DATE

PARTIES AND TERMS

☐

NONE (No reportable agreement.)

State and county judicial retirement accounts (vested and will continue in
force if I leave the state judiciary); created by Texas statutes.

Biery Law Firm deferred compensation retirement account; 1973-78; agreement
my father and uncle and two law partners; IRS-approved; currently in force

III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see pp. 9-12 of Instructions.)

DATE

SOURCE AND TYPE

GROSS INCOME

(Honoraria only)

(your, not spouse's)

☐

NONE (No reportable non-investment income)

¹ New York Life Insurance policy \$ \$1400 (1992-93)

² Marcia Mattingly Biery (spouse) 1992-Kathleen Doria \$ _____

³ Marcia Mattingly Biery (spouse) 1993-self employed \$ _____

⁴ State of Texas, County of Bexar - Judicial salary \$ \$93,500/year

⁵ \$ _____

FINANCIAL DISCLOSURE REPORT (cont'd)

Name of Person Reporting	Date of Report
Biery, Samuel F., Jr.	11/19/93

IV. REIMBURSEMENTS and GIFTS – transportation, lodging, food, entertainment.
 (Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate reportable reimbursements and gifts received by spouse and dependent children, respectively. See pp.13-15 of Instructions.)

SOURCE	DESCRIPTION
☐ NONE (No such reportable reimbursements or gifts)	
1 Exempt	
2	
3	
4	
5	
6	
7	
8	

V. OTHER GIFTS. (Includes those to spouse and dependent children; use the parentheticals "(S)" and "(DC)" to indicate other gifts received by spouse and dependent children, respectively. See pp.15-16 of Instructions.)

SOURCE	DESCRIPTION	VALUE
☐ NONE (No such reportable gifts)		
1 Exempt		\$
2		\$
3		\$
4		\$

VI. LIABILITIES. (Includes those of spouse and dependent children; indicate where applicable, person responsible for liability by using the parenthetical "(S)" for separate liability of spouse, "(J)" for joint liability of reporting individual and spouse, and "(DC)" for liability of a dependent child. See pp.16-18 of Instructions.)

CREDITOR	DESCRIPTION	VALUE CODE
☐ NONE (No reportable liabilities)		
1 Biery Retirement Account	I owe myself for a loan taken against my account	K
2		
3 Biery-Bluntzer JointVenture		
4 owes Troy Nichols a mortgage	loan on rent house	K
5		
6 NY Life Insurance Co.	Loan against my life ins.policy	J
7		

* VALUE CODES: J = \$15,000 or less K = \$15,001 to \$50,000 L = \$50,001 to \$100,000 M = \$100,001 to \$250,000
 N = \$250,001 to \$500,000 O = \$500,001 to \$1,000,000 P = More than \$1,000,000

FINANCIAL DISCLOSURE REPORT (cont'd)

Name of Person Reporting

Biery, Samuel F., Jr.

Date of Report

11/22/93

VII. INVESTMENTS and TRUSTS – income, value, transactions. (includes those of spouse and dependent children; see pp. 18-27 of instructions.)

A. Description of Assets (including trust assets) Indicate, where applicable, owner of the asset by using the parenthetical (C) for joint ownership of reporting individual and spouse, (S) for separate ownership by spouse, (DC) for ownership by dependent child. Place "(1)" 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					
	(1) Asset Code (A-E)	(2) Type, div., rent or int.	(1) Value Code (J-F)	(2) Value Method Code (Q-W)	Exempt If not exempt from disclosure					
					(1) Type (e.g., div., interest, rental)	(2) Rate Month	(3) Value Code (J-F)	(4) Gain Code (A-E)	(5) Identity of buyer/seller (if private transaction)	
☐ NONE (No reportable income, assets, or transactions)										
1 Note receivable from sale of former homestead	D	int.	L	U						
2 Note receivable from sale of rural acreage	B	int.	K	U						
3 Biery-Hand Jt.Ven.(off. bldg.)	B	rent	K	Q						
4 BieryFrancis Jt.Ven(off. bldg.)	B	rent	J	Q						
5 RAW/Merrill Lynch/San Antonio Acct	B	int.	J	T						
6 Biery-Bluntzer Jt.Ven. (rent house/New Braunfels TX)	A	rent	K	Q						
7 BieryLawFirmRetirement acct SanAntonio, TX	D	int	L	T						
8 State/county judicial Retirement accts	D	div	L	T						
9 FrostBank/San Antonio(J)	A	int	J	T						
10 New York Life Ins. policy	B	int	J	T						
11 ShearsonLehmanIRA (S)	A	int	J	T						
12 HiberniaBank/SanAntonio TX (S)	A	int	J	T						
13 GS SavingsBonds(S)	B	int	J	T						
15										
16										
17										
18										
19										
20										

1 Income/Gain Codes: (See Col. B1 & B4)	A=\$1,000 or less B=\$11,001 to \$50,000	B=\$1,001 to \$2,500 C=\$26,001 to \$100,000	C=\$2,501 to 5,000 D=\$100,001 to \$1,000,000	D=\$5,001 to \$15,000 E=More than \$1,000,000
2 Value Codes: (See Col. C1 & C3)	A=\$11,000 or less B=\$250,001 to \$500,000	B=\$15,001 to \$50,000 C=\$500,001 to \$1,000,000	C=\$100,001 to \$150,000 D=\$150,001 to \$1,000,000	E=\$100,001 to \$250,000 F=More than \$1,000,000
3 Value Method Codes: (See Col. C2)	Q=Appraisal U=Book Value	R=Cost (real estate only) V=Other	S=Assessment W=Estimated	T=Cash/Market

FINANCIAL DISCLOSURE REPORT (cont'd)

Name of Person Reporting

Biery, Samuel F., Jr.

Date of Report

11/19/93

VIII. ADDITIONAL INFORMATION or EXPLANATIONS. (Indicate part of Report.)

IX. CERTIFICATION.

In compliance with the provisions of 28 U.S.C. § 455 and of Advisory Opinion No. 57 of the Advisory Committee on Judicial Activities, and to the best of my knowledge at the time after reasonable inquiry, I did not perform any adjudicatory function in any litigation during the period covered by this report in which I, my spouse, or my minor or dependent children had a financial interest, as defined in Canon 3C(3)(c), in the outcome of such litigation.

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.A. app. 7, § 501 et. seq., 5 U.S.C. § 7353 and Judicial Conference regulations.

Signature _____

Date _____

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.A. APP. 6, § 104, AND 18 U.S.C. § 1001.)

FILING INSTRUCTIONS:

Mail signed original and 3 additional copies to:

Judicial Ethics Committee
Administrative Office of the
United States Courts
Washington, DC 20544

November 23, 1993

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

RE: Nomination report

Dear Madam or Sir:

On November 19, 1993, President Clinton submitted my name to the Senate for appointment to the United States District Court for the Western District of Texas. I mailed the Financial Disclosure Report to your office on November 22, 1993.

In my haste to comply with the five day time requirement and making sure I did not overlook any asset reporting, I failed to report my main source of income in Part III (Non-investment Income). Accordingly, I wish to supplement my report which I should receive today with the following information:

III. Non-Investment Income

State of Texas, County of Bexar-judicial salary- \$93,500 per year

I am sending this by facsimile and will mail the original to you. Should you have any questions or need further information about the report, please feel free to call me on my direct line at 210-2693.

Sincerely,

FRED BIERY

FINANCIAL STATEMENT

for household of Samuel Frederick Biery, Jr. 457-78-6456
NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS			LIABILITIES		
Cash on hand and in banks	1	5,000.00	Notes payable to banks—secured		-0-
U.S. Government securities—add schedule Series E (spouse)		8,000.00	Notes payable to banks—unsecured		-0-
Listed securities—add schedule		-0-	Notes payable to relatives		-0-
Unlisted securities—add schedule		-0-	Notes payable to others		-0-
Accounts and notes receivable:			Accounts and bills due		-0-
Due from relatives and friends		-0-	Unpaid income tax		-0-
Due from others		-0-	Other unpaid tax and interest		-0-
Doubtful		-0-	Real estate mortgages payable—add schedule Home 208 Village Circle	168,000.00	
Real estate owned—add schedule			Chattel mortgages and other liens payable		
Home 208 Village Circle	250,000.00		Other debts—itemize:		
Versteegen note	90,000.00		Loan from my law firm	ret. acct.	
Real estate mortgages receivable	15,000.00			26,000.00	
Autom and other personal property	11,000.00		Loan against life ins.	cash value	
Cash value—Life insurance	14,000.00			7,000.00	
Other assets—itemize: IRA's	20,000.00				
Law Firm retirement acct	90,000.00				
Biery-Bluntzer Jr. Vent.	35,000.00				
State/county retirement acct	5,000.00				
	70,000.00		Total liabilities	201,000.00	
			Net Worth	427,000.00	
Total Assets	623,000.00		Total liabilities and net worth	623,000.00	
CONTINGENT LIABILITIES	-0-		GENERAL INFORMATION		
As endorser, cosigner or guarantor	-0-		Are any assets pledged? (Add schedule.) Home for mortgage		
On leases or contracts	-0-		Are you defendant in any suits or legal actions? No		
Legal Claims	-0-		Have you ever taken bankruptcy? No		
Provision for Federal Income Tax	-0-				
Other special debt	-0-				