

**FINANCIAL DISCLOSURE REPORT  
FOR CALENDAR YEAR 2004**

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

1. Person Reporting (Last name, First name, Middle initial) PROCTOR, R. David	2. Court or Organization U.S. District Court, ND/AL	3. Date of Report 5/10/2005
4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. District Judge - Active	5. Report Type (check appropriate type) <input type="radio"/> Nomination, Date <input type="radio"/> Initial <input checked="" type="radio"/> Annual <input type="radio"/> Final	6. Reporting Period 1/1/2004 to 12/31/2004
7. Chambers or Office Address 730 Hugo L. Black U.S. Crthse 1729 5th Avenue North Birmingham, AL 35203	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. 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 filing instructions)

NONE - (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Member	O'Neill Building, LLC
2. Board Member	The Drew Battle Foundation
3.	
4.	
5.	

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

NONE - (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. 01/2004	My 25% interest in the O'Neill Building, Birmingham, Alabama. (See Part VIII - Additional Information and Explanation for details.)

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**III. NON-INVESTMENT INCOME.** (Reporting individual and spouse; see pp. 17-24 of filing instructions)**A. Filer's Non-Investment Income** **NONE** - (No reportable non-investment income.)DATESOURCE AND TYPEGROSS INCOME

(yours, not spouse's)

1.  

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**B. Spouse's Non-Investment Income** (If you were married during any portion of the reporting year, please complete this section. Dollar amount not required except for honoraria.) **NONE** - (No reportable non-investment income.)DATESOURCE AND TYPE1.  

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

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

 **NONE** - (No such reportable reimbursements.)SOURCEDESCRIPTION1.  

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**V. GIFTS.** (Includes those to spouse and dependent children. See pp. 28-31 of instructions.) **NONE** - (No such reportable gifts.)

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.		

**VI. LIABILITIES.** (Includes those of spouse and dependent children. See pp. 32-34 of instructions.) **NONE** - (No reportable liabilities.)

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1. First USA	Credit Card	J

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

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				
	(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)	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)
<input type="checkbox"/> NONE (No reportable income, assets, or transactions)									
1. Salomon Capital Fund	A	Dividend	K	T	Sell	07/22	K	A	
2. Fidelity Advisor Small Cap	A	None	K	T	Sell	10/07	K	D	
3. Delaware Corporate Bond	B	Div/STCG	K	T					
4. Ener Plus Res. Trust	E	Div/STCG	K	T					
5. Fidelity Advisor	A	STCG	K	T					
6. CMA Money Fund	A	Dividend/Int	L	T					
7. O'Neill Building LLC		None	N	Q	Sell	01/09	N	G	
8. Oppenheimer Quest Class C	A	Dividend	K	T					
9. Merrill Lynch Global Allocation Class C	A	Dividend	K	T					
10. Federal Home Loan	B	Interest	K	T					
11. One Market Group	A	STCG/Div	K	T					
12. Calamos Market Neutral		None	K	T					
13. Fidelity Adv. New Insights	B	STCG	K	T	Buy	10/07			
14. First Eagle	A	Div/STCG	K	T	Buy	07/22			

1. Income/Gain Codes:	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
(See Columns B1 and D4)	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:	J = \$15,000 or less	K = \$15,001-\$50,000	L = \$50,001-\$100,000	M = \$100,001-\$250,000	
(See Columns C1 and D3)	N = \$250,000-\$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:	Q = Appraisal	R = Cost (Real Estate Only)	S = Assessment	T = Cash/Market	
(See Column C2)	U = Book Value	V = Other	W = Estimated		

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**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS**

(Indicate part of Report.)

Explanation of Part II - Agreements: The other members of O'Neill Building LLC and I agreed to the sale of my 25% interest in the O'Neill Building, located in Birmingham, Alabama. During 2003, we also agreed the purchase price would be determined by having a professional valuation of the building, subtracting the mortgage balance at the time of sale, and paying me 25% of that amount. After the professional valuation was completed, my interest in the O'Neill Building LLC was sold in January 2004.

Assests previously listed in my 2003 Financial Disclosure Report, Part VII - Investments and Trusts, line numbers 12 and 13, were listed in error. These items were actually sold in 2002.

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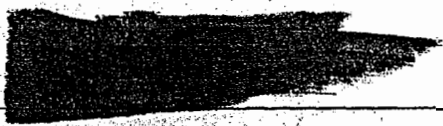
5/10/2005

**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. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature



Date

5/10/05

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

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA**

730 Hugo L. Black United States Courthouse  
1729 5th Avenue North  
Birmingham, Alabama 35203

**R. DAVID PROCTOR**  
United States District Judge

Telephone (205) 278-1980  
Facsimile (205) 278-1986

August 10, 2005

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

RE: Amendment to Calendar Year 2004 Financial Disclosure Report

Dear Committee Members:

Please accept this letter as an **amendment** to my calendar year 2004 Financial Disclosure Report.

First, in Part VII, Lines 1, 2, and 7, Columns C(1) and (2) should have been left blank.

Second, the following information was inadvertently omitted from Part VII, Investments and Trusts:

Line 13. Fidelity Adv. New Insights Column D(3) = K

Line 14. First Eagle Column D(3) = K

I hope this information will allow you to close my 2004 report. If you need any additional information, please contact me immediately.

Sincerely,



R. David Proctor  
United States District Judge

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