

# FINANCIAL DISCLOSURE REPORT

1. Person Reporting (Last name, First name, Middle initial)

Montalvo, Frank

2. Court or Organization

W Dist. TX - El Paso Division

3. Date of Report

5/5/2005

4. Title (Article III Judges indicate active or senior status; magistrate judges indicate full- or part-time)

District Judge - Active

5. ReportType (check appropriate type)

Nomination,  Date

Initial  Annual  Final

6. Reporting Period

1/1/2004

to

12/31/2004

7. Chambers or Office Address

511 E. San Antonio

Room 409

El Paso, Texas 79901

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.)

POSITION

NAME OF ORGANIZATION/ENTITY

1.

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

NONE - (No reportable agreements.)

DATE

PARTIES AND TERMS

1. 2004

Bexar County, Texas - retirement pension begins at age 60

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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. \_\_\_\_\_

**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 TYPE

1. \_\_\_\_\_

**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. Inter American University of Puerto Rico School of Law      Transportation and food for trip to speak at Law School Symposium

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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.		

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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. Vanguard IRA Funds Held:									
2. European Stock Index	A	Dividend		T					
3. Health Care	A	Dividend		T	Sell	02/17	K	C	
4. International Growth	A	Dividend		T	Sell	02/17	J		
5. Total Stock Mkt Index	A	Dividend		T	Sell	02/17	L	B	
6. Capital Opportunity	A	Dividend	M	T					
7. Wellesley Income	A	Dividend	J	T					
8. Prime Money Market	A	Dividend	J	T	Trnsfr below	01/09	NA	NA	
9. Vanguard IRA stocks held:									
10. Agere Sys CIA		N/A		T	Sell/Trnsfr	01/09			
11. Agere Sys Inc CIB		N/A		T	Sell/Trnsfr	01/09			
12. Avaya Inc. Com		N/A	J	T					
13. Ford Motor Co. Com	A	Dividend	J	T					
14. Lucent Technologies Com		N/A	J	T					
15. Telecommunications Sys CIA		N/A	J	T					
16. Visteon Corp. Com	A	Dividend	J	T					
17. Texas Saver 401k:									
18. Fidelity US Bond Index	A	Dividend		T	Sell	02/23	J	A	

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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						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
19. ATT Wireless Svcs		N/A	J	T	Sell	02/23	J		
20. Amerindo Tech Fund		N/A			Sell	02/23	J		
21. Dreyfus Midcap Value Fund		N/A			Sell	02/23	J		
22. Janus Specialty Equity		N/A			Sell	02/23	J	A	
23. Lucent Technologies		N/A			Sell	02/23	J		
24. Northern Midcap Growth		N/A			Sell	02/23	J		
25. Northern Technology		N/A			Sell	02/23	J		
26. SBC Communcations	A	Dividend			Sell	02/23	J		
27. Schwab Total Stk. Index	A	Dividend			Sell	02/23	J	A	
28. Telecomm. Sys Cl A		N/A			Sell	02/23	J		
29. Schwab Govt. Money Fd.	A	Dividend			Sell	02/23	J	A	
30. IRA accounts (spouse)									
31. Fidelity Independence Fund IRA	A	Dividend	K	T					
32. Texas Tomorrow Fund	B	Dividend	K	T					
33. Bexar County 457 Plan:									
34. Janus Aspen	A	Dividend			Sell	03/05	J		
35. Compt. Judiciary 457 plan:									
36. Fidelity US Bond Index Fd	A	Dividend			Sell	02/19	J	A	

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						(2) Date: Month - Day	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
37. Vanguard Inst. Index Fd	A	Dividend			Sell	02/19	J	A	
38. Teachers Ret. System (spouse)	A	Interest	J	T					
39. Gov't. Employees Cred. Union Accounts	A	Interest	K	T					
40. Security Services Federal Credit Union	A	Interest							
41. Child Education Savings Account Vanguard Life Strategy Fund	A	Dividend	J	T					

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2. Value Codes: (See Columns C1 and D3)	J = \$15,000 or less N = \$250,000-\$500,000 P3 = \$25,000,001-\$50,000,000	K = \$15,001-\$50,000 O = \$500,001-\$1,000,000	L = \$50,001-\$100,000 P1 = \$1,000,001-\$5,000,000 P4 = \$More than \$50,000,000	M = \$100,001-\$250,000 P2 = \$5,000,001-\$25,000,000	
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## VIII. ADDITIONAL INFORMATION OR EXPLANATIONS (Indicate part of Report.)

Assets identified in Part VII, Lines 10 and 11 were sold and the proceeds transferred to 8.

Assets identified in Part VII, Lines 3, 4, 5, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 34, 36 and 37 were sold and rolled into the Thrift Savings Plan (TSP).

Assets identified in Part VII, Lines 39 and 40, cash equivalent accounts, were inadvertently omitted on the Financial Disclosure Report for Calendar Year 2003.

Upon moving to El Paso from San Antonio in 2003, where the chambers are located, the item 39 accounts were opened. For a few months in late 2003 and early 2004 all accounts were active but upon completing the transition, item 40 was closed and the proceeds transferred to 39.

Assets identified in Part VII, Line 41 were not included on the Financial Disclosure Report for Calendar Year 2003 because the value was below \$1,000.00.

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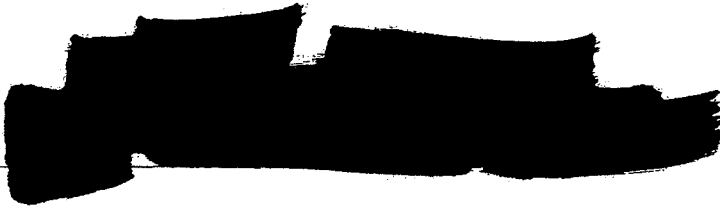
5/5/2005

**X. 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

May 5, 2005

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