

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 10-22078-CIV-MORENO

SECURITIES & EXCHANGE COMMISSION,

Plaintiff,

vs.

ESTATE OF KENNETH WAYNE MCLEOD,
F&S ASSET MANAGEMENT GROUP INC. and
FEDERAL EMPLOYEE BENEFITS GROUP,
INC.,

Defendants.

**ORDER GRANTING RECEIVER'S MOTION FOR ORDER (I) SETTING CLAIMS
BAR DATE; (II) AUTHORIZING RECEIVER TO TREAT INVESTOR CLAIMS FILED
IN PROBATE ACTION AS CLAIMS "FILED" IN THE RECEIVERSHIP
PROCEEDING; AND (III) APPROVING A CLAIMS ADMINISTRATION PROCEDURE**

THIS CAUSE came before the Court upon Receiver's Motion for Order (I) Setting Claims Bar Date; (II) Authorizing Receiver to Treat Investor Claims Filed in Probate Action as Claims "Filed" in the Receivership Proceedings; and (III) Approving a Claims Administration Procedure ("Motion") (D.E. No. 68), filed on July 25, 2011.

THE COURT has considered the motion and the pertinent portions of the record, and is otherwise fully advised in the premises. The Court has noted that no Response was filed. Therefore it is

ADJUDGED that the motion is GRANTED.

ADJUDGED that the Receiver, Michael I. Goldberg, is authorized to accept as "filed" in the Receivership Case, the Investor Claims as they are listed in Exhibit A of his Motion, (D.E. No. 68,

pp. 13-15), the Business Claims as they are listed in Exhibit B of his Motion, (D.E. No. 68, p. 17) and the Capital Analysts, Inc. Claim as it is listed in Exhibit C of his Motion (D.E. No. 68, p. 19).

ADJUDGED that these probate claims are not to be deemed allowed claims in the Receivership Case until the Receiver has the opportunity to review and object to any claim he believes is incorrect or unsubstantiated against the Receivership Entities.

ADJUDGED that the Claims Bar Date in the Receivership Case is **October 31, 2011**.

ADJUDGED that the Receiver shall undertake the following claims administrative procedure. The Receiver shall send a letter and claim form to each known creditor of the Receivership Entities, providing them with notice of the Claims Bar Date. The Receiver shall publish notice of the Claims Bar Date and a copy of the claim form on the website set up for this receivership at www.febginfo.com. The Receiver shall not accept any claims filed after the Claims Bar Date. After expiration of the Claims Bar Date, the Receiver shall review all claims filed and compare them to each Receivership Entities' books and records to verify the accuracy of the claim. Receiver shall mail each individual who filed a claim a letter indicating the suggested amount of their claim, if any. The Receiver shall allow each claimant thirty days from the date of the claim amount letter to object in writing to the amounts proposed therein. Any objecting claimant seeking a higher claim amount than proposed by the Receiver, shall provide along with their written objection, documentation to support the higher claimed amount. In the even such claimant sends timely notice and documentation to the Receiver that substantiates a higher claim amount, the Receiver may agree in his sole discretion to increase a claim based on the supplemental documentation. If a claimant fails to provide the Receiver with written notice and documentation by the deadline, and the Receiver and the claimant are unable to agree on the claim amount, the

Receiver shall file with the Receivership Court a Motion to Set Claim Amount. The Motion to Set Claim Amount shall set forth the dispute over the claim and provide the Receivership Court with the documents in the Receiver's possession justifying the Receiver's position. The claimant can then file a response to the Receiver's motion pursuant to the Receivership Court's local rules. After review and verification of all filed claims, the Receiver shall file a motion with the Receivership Court, with notice to all claimants, setting forth the Receiver's determination of what each claimant's allowed claim amount, if any, should be. The Receiver shall seek authorization from the Receivership Court to make an initial distribution to the claimants, on a pro-rata basis, based on their allowed claim.

DONE AND ORDERED in Chambers at Miami, Florida, this 22nd day of August, 2011.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies provided to:

Counsel of Record