

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(Miami Division)
CASE NO.: 10-22078-CV-MORENO/OTAZO-REYES

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 ENTRY OF ORDER
AUTHORIZING DISTRIBUTION ON ALLOWED CLAIMS AND
ESTABLISHING PROCEDURES TO TERMINATE RECEIVERSHIP**

THIS MATTER came before the Court, without hearing, upon the *Motion for Entry of Order Authorizing Distribution on Allowed Claims and Establishing Procedures to Terminate Receivership* (the "Motion") filed by Michael Goldberg (the "Receiver"), in his capacity as Receiver over the assets, properties, books and records (the "Receivership Estate") of Defendants, Federal Employee Benefits Group, Inc. and F&S Asset Management, Inc. The Court, having reviewed the Motion, being advised of the consent of the Securities and Exchange Commission (the "SEC") to the relief requested in the Motion, finding good cause exists to grant the relief requested, and being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that

1. The Motion is GRANTED.
2. The Receiver shall make a final distribution (the "Distribution") to the allowed claimholders as identified in Exhibit A to the Motion. The amount of the Distribution shall be

based the remaining funds available after the Receiver pays the fees and expenses associated with formally closing the Receivership Estate.

3. The Distribution checks shall include a restrictive legend that indicates the checks must be negotiated within 90 days or the checks will be deemed void. Any checks which are not timely negotiated or that are returned by the U.S. Postal Service and do not contain a forwarding address, shall be deemed "Unclaimed Funds."

4. All Unclaimed Funds and any other *de minimis* funds remaining in the Receiver's bank accounts shall be turned over to the SEC's Office of Financial Management, 100 F. Street, N.E., Stop 6042, Washington, D.C. 20549.


5. The Receiver shall also assign to the SEC the Receivership Estate's interest in any remaining commissions (the "Commissions") arising from Kenneth McLeod's sale of life insurance policies.

6. The Receiver shall have no continuing duty to maintain the records (the "Corporate Records") of the Receivership Estate. On May 31, 2014, or soon thereafter, the Receiver is authorized to destroy the Corporate Records or transfer the Corporate Records to counsel for the parties in *Alvarez et al v. United States of America*, Case No: 3:13-cv-00174-TJC-MCR. The Receiver shall not be responsible for the costs of transferring the Corporate Records.

7. The Receiver shall set aside funds in the sum of \$35,000 to cover the anticipated costs to prepare and mail Distribution checks, reconcile the Unclaimed Funds and non-negotiated checks, destroy the Corporate Records, prepare the final accounting, finalize tax returns for both the Receivership and Probate estates, pay the professionals additional fees incurred after April 14, 2014, and complete the other necessary tasks to formally close the Receivership Estate.

8. After the Receiver has completed his responsibilities described herein, he shall prepare a final accounting and serve a copy on the SEC, who shall have 10 days to review and approve the final accounting. Thereafter, the Receiver shall be fully discharged without further Order of the Court.

DONE AND ORDERED in Miami-Dade County, Florida this 30th day of April, 2014.



FEDERICO A. MORENO
Chief United States District Judge

Conformed copies to:

See Attached Service List

SERVICE LIST

1:10-cv-22078-FAM

Notice has been electronically served by CM/ECF to:

Robert K. Levenson
Securities & Exchange Commission
801 Brickell Avenue, Suite 1800
Miami, FL 33131
954-463-2700
954-463-2224 (fax)
levensonr@sec.gov
representing **Securities and Exchange Commission**

Michael Ira Goldberg
Akerman LLP (f/k/a Akerman Senterfitt LLP or Akerman Senterfitt)
350 E Las Olas Boulevard, Suite 1600
Ft. Lauderdale, FL 33301-0006
954-463-2700
954-463-2224 (fax)
michael.goldberg@akerman.com, charlene.cerda@akerman.com,
kimberly.matregrano@akerman.com; tamara.savin@akerman.com;
ashely.sawyer@akerman.com
representing **Michael I. Goldberg, Receiver**

Matthew R. Kachergus
William J. Sheppard, Matthew R. Kachergus, D. Gray Thomas
Sheppard White Thomas & Kachergus PA
215 Washington Street
Jacksonville, FL 32202
904-356-9661
904-356-9667 (fax)
sheplaw@att.net
representing **Susan McLeod, Individually**

Mark Devereaux
Assistant United States Attorney
USAO No. 049
300 N. Hogan Street, Suite 700
Jacksonville, Florida 32202-4270
904-301-6300
904-301-6310 (fax)
representing **United States of America**

Notice has been sent by U.S. Mail to:

Nicholas v. Pulignano, Jr., Esquire
Heath L. Vickers, Esquire
MARKS GRAY, P.A.
1200 Riverplace Blvd., Suite 800
Jacksonville, Florida 32207
(904) 804-2105
(904) 399-8440 (fax)
Email: npulignano@marksgray.com
Email: hvickers@marksgray.com
Counsel for Employee Case Plaintiffs

Ray M. Shepard, Esquire
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 (fax)
Email: rshepard@sgs-law.com
Co-Counsel for Employee Case Plaintiffs

Stephen Elliot Handler
US Department of Justice
Benjamin Franklin Station
P.O. Box 888
Suite 8070N
Washington, DC 20044
(202) 616-4279
(202) 616-5200 (fax)
Email: stephen.handler@usdoj.gov
Co-Counsel for United States in Employee Case

Philip MacWilliams
U.S. Department of Justice
P.O. Box 888
Washington, DC 20044
(202) 616-4285
Email: phil.macwilliams@usdoj.gov

Internal Revenue Service Center
Attention: Service Center Director
Ogden, Utah 84201

Internal Revenue Service
Centralized Insolvency Operation
P.O. Box 7346
Philadelphia, PA 19101-7346

Department of the Treasury
Office of the General Counsel
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

U.S. Department of Justice
Office of the Attorney General
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Notice has been posted on the Receiver's website at: www.febginfo.com