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FILED DISTRICT COURT  
Third Judicial District

OCT 14 2010

SALT LAKE COUNTY

By \_\_\_\_\_

*KF*  
Deputy Clerk

IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY

STATE OF UTAH

A. DAVID BARNES, M.D., P.C.,

Plaintiff,

vs.

FFCF INVESTORS, LLC, et al.

Defendants.

**ORDER APPROVING ALLOWABLE  
CLAIM AMOUNTS, DISTRIBUTION  
PLAN, AND INITIAL DISTRIBUTIONS  
BY RECEIVER**

Case No. 080922273

Judge: Denise P. Lindberg

FFCF INVESTORS, LLC,

Plaintiff,

vs.

RICHARD SMITH, et al.

Defendants.

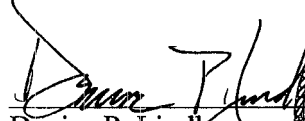
The Court has considered the Receiver's recommendations on the claims process, including a determination of the Allowable Claim Amounts for each eligible Claimant and selection of a distribution plan. The Court signed Minute Entries on September 10, 2010 and September 20, 2010 finding that oral argument will not aid in its consideration of the issues and finding that due process rights have been provided to all Claimants. Accordingly,

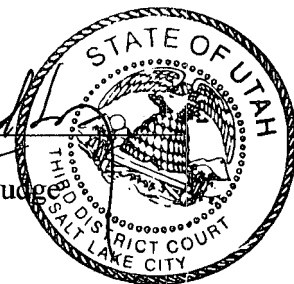
IT IS HEREBY ORDERED THAT:

1. The objections of the Lighted Candle Society (“LCS”) and SuetWan Chan Bostrom Young to the Receiver’s recommendations on the Allowable Claimants and Allowable Claim amounts are overruled.
2. The Allowable Claims and Allowable Claim Amounts listed in column G of the attached Exhibit A are approved.
3. The objections of LCS and Annette Kay Donnell to the target distribution plan are overruled. The Receiver is to implement the “target” distribution plan he proposed.
4. The Receiver shall pay \$16,032.92 to Plaintiff, Dr. Barnes, as a priority administrative claim. This payment is without prejudice to Dr. Barnes making a future application for payment of the remaining legal fees he expended in seeking appointment of a Receiver.
5. The Receiver shall distribute \$400,000.00 in Receivership funds on a targeted pro-rata basis among Allowable Claimants, after taking into account distributions that investors received previously from Receivership Entities. This initial distribution shall be paid to the Allowable Claimants in the amounts set forth in column K of Exhibit A. This will result in recovery for investors of 30.11% of their Allowable Claim Amounts.
6. The remaining funds in the Receivership bank account are to be retained for ongoing expenses of the Receivership. When the Receiver has recovered additional funds, he may make application to the Court for approval to make subsequent distributions to investors.

DATED this 14 day of October, 2010.

BY THE COURT:

  
Denise P. Lindberg  
Third District Court Judge



**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_ day of October, 2010, copies of the foregoing Order

Approving Allowable Claim Amounts, Distribution Plan, and Initial Distributions by Receiver

were mailed to:

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Wayne Klein, Receiver  
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Salt Lake City, UT 84111  
*Receiver*

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## FFCF/Ascendus "Target" Distribution Plan

Claim #	A Investor Name	E Verified Investment Amount	F Total Distributions	G Allowable Claim Amount	H % Return on Verified Investment	K "Target" Distribution Plan	L Target % After Partial Distribution
3006		904,015.09	772,210.00	122,220.00	85.42%	0.00	85.42%
3020		16,371.78	12,000.00	0.00	73.30%	0.00	73.30%
3002		77,500.00	51,000.00	26,500.00	65.81%	0.00	65.81%
3013		200,000.00	119,346.23	80,653.77	59.67%	0.00	59.67%
3017		380,000.00	210,000.00	170,000.00	55.26%	0.00	55.26%
3012		57,461.08	26,743.84	30,717.24	46.54%	0.00	46.54%
3009		36,071.27	15,000.00	21,071.27	41.58%	0.00	41.58%
3003		68,700.00	25,000.00	43,700.00	36.39%	0.00	36.39%
3014		539,989.43	177,338.83	362,650.60	32.84%	0.00	32.84%
3019		1,007,305.62	264,566.92	742,738.70	26.26%	38,774.80	30.11%
3004		910,995.85	229,784.78	681,211.07	25.22%	44,554.05	30.11%
3011		100,000.00	25,000.00	75,000.00	25.00%	5,114.17	30.11%
3010		500,000.00	86,333.33	413,666.67	17.27%	64,237.51	30.11%
3016A		300,000.00	40,055.00	259,945.00	13.35%	50,287.51	30.11%
3005		300,000.00	35,997.60	264,002.40	12.00%	54,344.91	30.11%
3008		46,184.08	917.89	45,266.19	1.99%	12,990.06	30.11%
3001		332,309.76	0.00	332,309.76	0.00%	100,072.32	30.11%
3007		47,118.49	0.00	47,118.49	0.00%	14,189.34	30.11%
3015		51,256.04	0.00	51,256.04	0.00%	15,435.33	30.11%
3018		101,554.64	168,721.92	0.00	0.00%	0.00	0.00%
	<b>Totals</b>	<b>5,976,833.13</b>	<b>2,260,016.34</b>	<b>3,770,027.20</b>		<b>400,000.00</b>	
3016B				16,032.92			
Created by Jake Hennessy 5/18/2010, using FFCF Claim Analysis Summary							
updated 9/21/10							