

MANNING CURTIS BRADSHAW
& BEDNAR LLC

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Court-Appointed Receiver

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

U.S. COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff,

v.

U.S. VENTURES LC, a Utah limited liability
company, WINSOME INVESTMENT
TRUST, an unincorporated Texas entity,
ROBERT J. ANDRES and ROBERT L.
HOLLOWAY,

Defendants.

**THE RECEIVER'S FOURTH MOTION
FOR PERMISSION TO FINALIZE
SETTLEMENT AGREEMENTS**

Case No. 2:11CV00099 BSJ

Judge Bruce S. Jenkins

R. Wayne Klein, the Court-Appointed Receiver¹ (the "Receiver"), by and through his
counsel of record, hereby notifies the Court that he has entered into six additional preliminary

¹ The Receiver has been appointed over U.S. Ventures LC ("USV"), Winsome Investment Trust ("Winsome"), and all the assets of Robert J. Andres ("Andres") and Robert L. Holloway ("Holloway").

settlement agreements under which others have agreed to make payments to the Receiver in settlement of claims that the Receiver has asserted against them and moves for Court approval to finalize these settlements.

The Receiver believes these settlements are fair, reasonable, and in the best interests of the investors who provided money to US Ventures and Winsome. The first settlement involves working with CitiMortgage, the holder of the mortgage on Andres's home, to foreclose on the home, sell it, and pay the amount of equity in the home to the Receiver. The second settlement involves the repayment of a \$100,000.00 loan to W. Erving by C2G Strategies. The third, fourth, and fifth settlements involve payments to the Receiver of the full amounts of overpayment by investors: L. Sternheim will repay \$153,730.00, I. Sternheim will repay \$33,000.00, and Rabbi Solomon Kluger School will repay \$10,000.00. The sixth settlement involves A. Kalil repaying \$15,000.00 in overpayments he received and S. Ponsler repaying \$10,000.00 in overpayments he received. These settlements are described in more detail in the accompanying memorandum.

This motion is brought pursuant to Paragraphs 1 and 27 of the Order Granting Plaintiff's Ex Parte Motion for Statutory Restraining Order, Expedited Discovery, Accounting, Order to Show Cause re Preliminary Injunction and Other Equitable Relief (the "Receivership Order"). (Doc. #15). Paragraph 1 of the Receivership Order vests the Court with jurisdiction over the parties and the subject matter of the receivership. Paragraph 27(i) of the Receivership Order authorizes the Receiver to initiate, defend, or compromise any actions or proceedings necessary to increase the assets of the receivership entities and to recovery payments made improperly by the Defendants.

This motion is made and based on the memorandum in support filed contemporaneously

herewith.

DATED this 17th day of February, 2012.

MANNING CURTIS BRADSHAW
& BEDNAR, LLC

/s/ David C. Castleberry

David C. Castleberry

Aaron C. Garrett

*Attorneys for R. Wayne Klein, Court-Appointed
Receiver*

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of February, 2012, I caused to be served in the manner indicated below a true and correct copy of the attached and foregoing **THE RECEIVER'S FOURTH MOTION FOR PERMISSION TO FINALIZE SETTLEMENT AGREEMENTS** upon the following:

- VIA FACSIMILE
- VIA HAND DELIVERY
- VIA U.S. MAIL
- VIA FEDERAL EXPRESS
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/s/ David C. Castleberry