

FILED

SEP 28 2011

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**TAWANA C. MARSHALL, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

**IN RE: §
§
RETIREMENT VALUE, LLC, § CASE NO. 11-35165
§ INVOLUNTARY CHAPTER 11
ALLEGED DEBTOR. §**

**TRINITY SETTLEMENT SERVICES, LLC'S MOTION FOR LEAVE TO FILE AN
AMICUS CURIAE BRIEF IN OPPOSITION TO THE MOTION TO ABSTAIN OR
DISMISS FILED BY THE STATE COURT-APPOINTED RECEIVER AND THE
JOINDER IN THE MOTION BY THE TEXAS STATE SECURITIES BOARD**

TO THE HONORABLE JUDGE OF THE ABOVE-NAMED COURT:

NOW COMES Trinity Settlement Services, LLC ("Trinity") as an interested party pursuant to Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas 7007-2(b), to request leave to file an amicus brief, attached hereto as Exhibit "A", in opposition to the Motion to Abstain or Dismiss ("305 Motion") filed by Eduardo S. Espinosa (the "Receiver") and the Joinder ("Joinder") of the Texas State Securities Board ("TSSB") to the same, and in support thereof would show the following:

1. Trinity was created in the spring of 2010 to specialize in offering fractional interests in the proceeds of life insurance benefits. As such, Trinity was designed to engage in the same line of business as Retirement Value, LLC ("RV") and would be subject to the same laws and regulations regarding the conduct of carrying on such a business.

2. On May 5, 2010, the State of Texas (the "State"), acting by and through Greg Abbott, Attorney General of Texas, at the request of John Morgan, Deputy Securities

Commissioner of the State of Texas (“Morgan”), filed suit, verified upon information and belief by Morgan, against RV, Richard H. “Dick” Gray, and Bruce Collins, and Kiesling, Porter, Kiesling & Free, P.C. under Cause No. D-1-GV-10-000454; *The State of Texas v. Retirement Value, LLC, et al.*; In the 126th Judicial District Court of Travis County, Texas (the “RV Receivership”). The RV Receivership was premised upon the TSSB’s incorrect contention that fractional interests in life insurance policies are securities within the regulatory purview of the TSSB. As will be demonstrated in greater detail in the amicus curiae brief, attached hereto as Exhibit “A”, the TSSB’s contention runs contrary to both the established case law in Texas (*Griffits v. Life Partners, Inc.*, No. 10-01-00271-CV, 2004 WL 1178418, at *1 (Tex. App.—Waco May 26, 2004, no pet.) (mem. op.)) and the relevant statutory language.

3. Further, Trinity has an appeal pending in the Court of Appeals for the Third Judicial District of Texas in Austin under Cause No. 03-10-00639-CV; *Trinity Settlement Services, LLC v. The Texas State Securities Board and Denise Voigt Crawford, in her Official Capacity as Commissioner of the Texas State Securities Board*. Argument was heard in this matter on April 27, 2011, and both sides are awaiting the decision of the appeals court. This appeal directly addressed the issue at the center of this controversy: whether fractional interests in the proceeds of life insurance policies were securities within the regulatory purview of the TSSB.

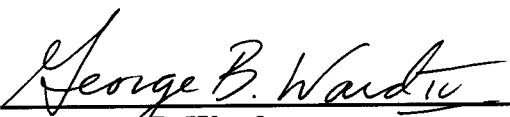
4. Trinity has a legitimate interest in this matter based upon the fact that Trinity was set up to engage in the same line of business as RV and the fact that Trinity has a pending appeal dealing with legal questions that are at the heart of this matter. As this is the case, leave should be granted to allow Trinity to file an amicus curiae brief.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Trinity Settlement Services, LLC requests that leave be granted to allow it to file an amicus curiae brief in the above captioned matter.

Respectfully submitted,

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By: 
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State Bar No. 24047070

**ATTORNEYS FOR TRINITY
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CERTIFICATE OF SERVICE

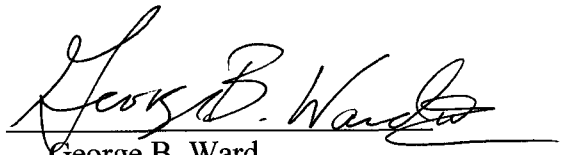
I certify that on September 27, 2011, a true and correct copy of the attached Motion for Leave was served via United States First Class Mail upon the parties listed below.

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