

FEB 01 2013 LAM

At 12:40 P. M.  
Amalia Rodriguez-Mendoza, Clerk

CAUSE NO. D-1-GV-10-000454

STATE OF TEXAS,

Plaintiff,

v.

RETIREMENT VALUE, LLC, RICHARD H.  
"DICK" GRAY, HILL COUNTRY  
FUNDING, LLC, a Texas Limited Liability  
Company, HILL COUNTRY FUNDING, a  
Nevada Limited Liability Company, and  
WENDY ROGERS,

Defendants,

AND

JAMES SETTLEMENT SERVICES, LLC,  
ET AL.,

Third Party Defendants.

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

126<sup>TH</sup> JUDICIAL DISTRICT

**ORDER REGARDING RV RECEIVER'S  
MOTION TO DENY CERTAIN INVESTORS' PROOFS OF CLAIM**

Eduardo Espinosa, in his capacity as the court-appointed Receiver for Retirement Value, LLC (the "Receiver") has moved the Court to deny proofs of claim filed, pursuant to the Plan of Distribution adopted by this Court on July 20, 2012, by Scott Barnard, James & Carol Bello, Thomas W. Brown, Eric Pechacek and Bill W. Sparkman. Prior to the hearing, Thomas W. Brown withdrew his proof of claim and Scott Barnard reached a tentative settlement agreement with the Receiver which calls for, among other things, Barnard to release any claim to receive a distribution as an investor of Retirement Value. After considering the arguments of the parties, the evidence presented and the law, the Court is of the opinion that the motion should be GRANTED in part and DENIED in part as follows:

It is ORDERED that the proof of claim filed by Scott Bernard is denied in its entirety and that he has no claim for payment pursuant to the Plan of Distribution.

It is further ORDERED that Thomas W. Brown has an Allowed Claim of \$3,180.16.

It is further ORDERED that the proof of claim filed by James R. and Carol A. Bello is denied in part and granted in part. Their claim of \$300,000 is offset by \$30,000 to account for the payment received by James Lorin Bello as a commission on their investment. James R. and Carol A. Bello have an Allowed Claim of \$270,000.

It is further ORDERED that the proof of claim filed by Eric Pechacek is denied in part and granted in part. His claim of \$15,000 is offset by \$2,400 to account for the payment received by or on behalf of Damien Pechacek as a commission on Eric Pechacek's investment. Eric Pechacek has an Allowed Claim of \$12,600.

It is further ORDERED that the proof of claim filed by William Sparkman is denied in part and granted in part. The Court finds that Adam Sparkman is the proper claimant but that his claim of \$10,000 is offset by \$1,000 to account for the payment received by William Sparkman as a commission on Adam Sparkman's investment. Adam Sparkman has an Allowed Claim of \$9,000. William Sparkman has no claim for payment pursuant to the Plan of Distribution.

It is further ORDERED that the Receiver, to the extent that he has not already done so, is to make distributions to James and Carol Bello, Eric Pechacek and Adam Sparkman pursuant to the Order Granting Receiver's Motion to Authorize Distribution entered on September 26, 2012 calculated on the Allowed Claims granted to each by this Order.

If all allowed Investor Claims are paid in full, the Court may reconsider whether to allow James R. and Carol A. Bello, Eric Pechacek and Adam Sparkman to recover the amounts offset against their claims by this Order.

SIGNED this 31<sup>st</sup> day of January 2013.

  
THE HONORABLE GISELA TRIANA