

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

KIESLING, PORTER, KIESLING,
& FREE, P.C.,

Relief Defendant.

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

126TH JUDICIAL DISTRICT

**OBJECTIONS TO FIRST APPLICATION FOR FEES
BY THE RECEIVER AND RECEIVER'S COUNSEL**

TO THE HONORABLE JUDGE PRESIDING:

RICHARD H. "DICK" GRAY and WENDY ROGERS, defendants herein, file their Objections to First Application for Fees by the Receiver and Receiver's Counsel, respectfully showing the Court the following:

I.

The fees requested are excessive and jeopardize the interests of the investors who are the parties entitled to protection by a Receivership. There appear to be no internal controls upon the fees and expenses being incurred. For example, if these defendants correctly read the Application, a lawyer is being paid his standard billing rate to drive from Austin to New Braunfels and back at least weekly to pick up mail.

II.

The Application does not specify the source of payment for the fees and expenses requested. The Receiver has appropriated funds improperly which should be removed from the Receivership Estate, including the following:

A. The Receiver has seized funds from an account in the name of "Special Acquisitions." These funds were acquired from dividends paid to Gray and Rogers and held primarily for the purpose of reimbursing former clients of another business who were adversely affected by a receivership of Secure Investment Services. At the time the Retirement Value, LLC Receivership was instituted, these funds were not the property of or assets of Retirement Value, LLC.

B. The Receiver has seized funds which were distributions and dividends to Gray and Rogers.

C. The Receiver has seized funds belonging to Hill Country Funding, LLC, held for the benefit of its clients. These funds are necessary to protect the interests of individuals who purchased life settlement contracts from Hill Country Funding, LLC. Hill Country Funding is not presently the subject of a receivership.

D. The Receiver has seized funds from bank accounts belonging to Wendy Rogers and her husband, even before Wendy Rogers was joined as a party to this suit and served with process herein. Wendy Rogers is not presently the subject of a receivership.

III.

A substantial portion of the assets seized from the Kiesling, Porter, Kiesling & Free, P.C. firm by the Receiver were funds dedicated to service insurance policies beneficially owned by customers of Retirement Value, LLC. These individuals will lose the benefit of their interests if these funds are spent by the Receiver or otherwise divested from the dedicated purpose. The

Court should segregate these funds and protect the interests of the persons for whose benefit the funds were held.

WHEREFORE, premises considered, defendants pray their Objections be heard and sustained, and that the Court enter appropriate orders.

Respectfully submitted,

**CLARK, THOMAS & WINTERS,
A Professional Corporation**

By: 

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HILL COUNTRY FUNDING, LLC,
A TEXAS LIMITED LIABILITY
COMPANY, AND HILL COUNTRY
FUNDING, A NEVADA LIMITED
LIABILITY COMPANY AND WENDY
ROGERS**

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of September, 2010, a true and correct copy of the foregoing has been sent to the following via the Court's notice of electronic filing and certified mail/return receipt requested:

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