

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

STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
RETIREMENT VALUE, LLC, <i>ET. AL.</i>	§	TRAVIS COUNTY, TEXAS
<i>Defendants,</i>	§	
	§	
AND	§	
	§	
JAMES SETTLEMENT SERVICES, LLC,	§	
<i>ET. AL.</i>	§	
	§	
<i>Third-Party Defendants</i>	§	126 <sup>th</sup> JUDICIAL DISTRICT

**RECEIVER'S FIFTH MOTION FOR APPROVAL  
OF SETTLEMENTS WITH THIRD-PARTY DEFENDANTS/LICENSEES**

TO THE HONORABLE JUDGE OF SAID COURT.

COMES NOW Eduardo S. Espinosa in his capacity as Temporary Receiver of Retirement Value, LLC, and files this Fifth Motion for Approval of Settlements with Third-Party Defendants/Licensees as follows:

The Receiver has reached settlements with Third-Party Defendants/Licensees Ronald James, Donald James, James Settlement Services, LLC (collectively "the James Parties") Michael Beste ("Beste"), Milkie/Ferguson Investments, Inc., Edward Milkie and Manny Aizen (collectively "the Milkie Parties"). The James Parties and Beste have agreed to pay the Receiver \$5.5 million collectively, and the Milkie Parties have agreed to pay the Receiver \$25,000 collectively. The Parties have also agreed to full and complete mutual releases upon full payment. The Receiver is of the opinion, after thorough investigation, that these settlements are fair and reasonable given the facts and law in this case and in light of the ability to collect judgments against the James Parties, Beste and the Milkie Parties.

The James Parties and Beste are to pay \$3.4 million in April 2013, \$1.1 million in July 2013 and \$1 million in October 2013. The payments are to be secured by an \$8 million judgment signed by the court, but not to be filed unless one of the payments is missed with notice and an opportunity to cure. To make the judgment final if it is filed, the claims by the Receivers and State against the James Parties and Beste as well as the counter-claims of the James Parties and Beste against the Receiver and State will need to be severed. The claims any other parties have against the James Parties and Beste and any related cross-claims against those other parties by the James Parties and Beste will not be severed.

The James Parties are Third-Party Defendants in the above-styled and numbered cause that have been served with process. The Receiver requests the Court's approval of the settlement with the James parties.

Beste is a Third-Party Defendant in the above-styled and numbered cause that has been served with process. The Receiver requests the Court's approval of the settlement with Beste.

The Milkie Parties are Third-Party Defendants in the above-styled and numbered cause that have been served with process. The Receiver requests the Court's approval of the settlement with the the Milkie parties.

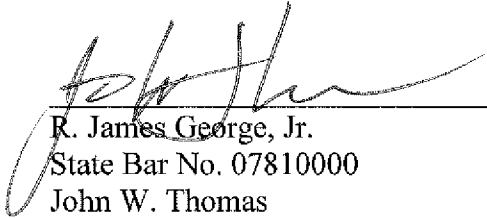
This Court previously approved a contingency fee for the Receiver's counsel with respect to these claims. In summary, the fees are 37.5% for each settlement involving a cash payment.

Each settlement is contingent upon the approval of this Court.

#### PRAYER

The Receiver prays that the Court approve the these settlements and the distribution of the proceeds and request such other and further relief to which he may be justly entitled.

Respectfully submitted,

  
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State Bar No. 19856425  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record herein by:

- U.S. Mail, First Class (as to Ackels, Jarman, Williams, and D'Agostino only)
- Certified Mail (return receipt requested)
- Facsimile
- Federal Express Delivery
- Hand Delivery
- Electronic Service

on this the 3rd day of April, 2013, to-wit:

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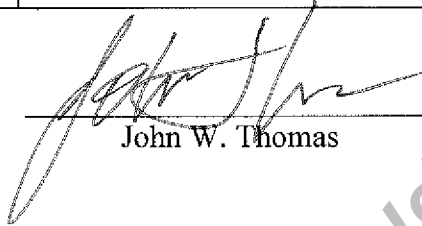
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Unofficial copy Travis Co. District Clerk Velda L. Price