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A. Jacobson and Allen R. Jacobson*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

MANAGEMENT SOLUTIONS, INC., a
Texas Corporation; WENDELL A.
JACOBSON; ALLEN R. JACOBSON,

Defendants.

**RECEIVER'S MOTION TO APPROVE
FOURTH DISTRIBUTION**

Civil Action No. 2:11-cv-01165

Judge Bruce S. Jenkins

Gil A. Miller as receiver for Defendants Management Solutions, Inc., Wendell A. Jacobson, Allen R. Jacobson, and others (the "Receiver"), by and through counsel, hereby moves the Court for an order approving the Receiver's proposed fourth distribution to the Claimants¹ in this case (the "Fourth Distribution").

¹ Unless otherwise defined herein, capitalized terms are defined in the Plan of Distribution attached as Exhibit A to the Court's Order at CM/ECF No. 2460.

I. The Proposed Fourth Distribution

Now that the Receiver has closed on the sales of properties located in Texas and Hawaii, the Receiver is ready and able to make an additional distribution on Approved Claims in this case. The Receiver requests that the Court authorize him to make a Fourth Distribution to Class 5 in the amount of \$4,218,443.71. This amount represents the total net proceeds from the sales of the following properties:

<u>Date</u>	<u>Property</u>	<u>Net Proceeds</u>
2/29/2016	Las Colinas Parcel 7	953.39
3/1/2016	Greenville, TX Motel - Willow Park	43,200.81
3/8/2016	Brooklyn Crossing	1,090,973.56
3/8/2016	Honolulu property - Kulia I Ka Nu'u	3,083,315.95
	Total	4,218,443.71

Attached hereto as **Exhibit A** is a schedule that shows the amounts paid thus far, and the amounts proposed to be paid to Class 5 with this proposed Fourth Distribution. For Investors that will participate in this Fourth Distribution, it will result in a Percentage Return of 95.94% of their Adjusted Investor Claim under the rising tide, considering amounts they received from MSI after December 31, 2008 and prior to the appointment of the Receiver, plus the amounts the Receiver previously distributed and proposes to distribute with the Fourth Distribution. As with previous distributions, checks will be made payable to the individual or entity listed in the "Claimant Name" column of Exhibit A, unless the Claimant Name has been amended.

II. Reserve Amounts

As of the date of this motion, the estate currently has a cash balance of \$11,422,227.00. There remain a number of disputes with various parties as to whether they should be permitted to participate in distributions and, if so, at what amounts. The Receiver has reserved a total of \$3,457,588.99 cash for such remaining disputes, as well as the Providence Estates property that the Receiver estimates has approximately \$4,700,000 in equity. The reserve amounts for each of the remaining disputes is shown on **Exhibit B** attached hereto.

After the proposed Fourth Distribution and the reserve amount for disputes discussed above, the Receiver will have approximately \$3.7 million in cash remaining, which the Receiver believes is an adequate and prudent amount to reserve for potential tax and administrative claims.

III. Conclusion

For the foregoing reasons, the Receiver requests that the Court approve the proposed Fourth Distribution.

DATED this 11th day of March, 2016.

HOLLAND & HART LLP

/s/ Doyle S. Byers
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A. Jacobson and Allen R. Jacobson*

INDEX OF EXHIBITS

A - Distribution Schedule.

B - Reserve Schedule

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