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for Management Solutions, Inc., Wendell
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
THIRD 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 third distribution to the Claimants¹ in this case (the "Third 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 Third Distribution

Now that the Court has approved the proposed settlement with the Jacobson Parties (*see* the Court's Order Granting Stipulated Motion to Approve Settlement Agreement with Jacobson Parties (CM/ECF No. 2892)), the Receiver is ready and able to make an additional distribution on Approved Claims in this case. Based on the Claims Analysis Report, the Receiver requests that the Court authorize him to make a Third Distribution to Class 5 in the amount of \$21,000,000. Attached hereto as **Exhibit A** is a schedule that shows the amounts paid to all classes thus far, as well as the amounts proposed to be paid to Class 5 with this proposed Third Distribution. For Investors that will participate in this Third Distribution, it will result in a Percentage Return of 93.84% 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 Third Distribution. As with previous distributions, checks will be made out to the individual or entity listed in the "Claimant Name" column of Exhibit A, unless the Claimant Name has been amended.

II. Amended Claim

The Richard L. and Denna P. Millet Family Trust claim (Claim No. 0162(b)) was increased by \$109,500. The Claimant provided additional information to the Receiver regarding additional amounts invested, and the Receiver was able to confirm the additional amounts with the books and records of the receivership entities and other sources. Therefore, the Receiver agreed to increase the amount of the claim accordingly.

III. Reserve Amounts

The Receiver currently has a cash balance of approximately \$28,000,000. The Receiver estimates that assets remaining to be liquidated are valued at approximately \$9.3 million. 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 \$6,175,361.07 for such remaining disputes, and the proposed reserve amounts for each of the remaining disputes is shown on page 21 of Exhibit A.

IV. Conclusion

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

DATED this 30th day of October, 2015.

HOLLAND & HART LLP

/s/ Doyle S. Byers
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INDEX OF EXHIBIT

A - Schedules.

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