

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES SECURITIES)
AND EXCHANGE COMMISSION,)

Plaintiff,)

v.)

VEROS PARTNERS, INC,)
MATTHEW D. HAAB,)
JEFFERY B. RISINGER,)
VEROS FARM LOAN HOLDING LLC,)
TOBIN J. SENEFELD,)
FARMGROWCAP LLC,)
PINCAP LLC, and)

Defendants,)

PIN FINANCIAL LLC,)

Relief Defendant.)

Case No. 1:15-cv-659-JMS-MJD

**RECEIVER’S MOTION TO AMEND ORDER AUTHORIZING
RECEIVER TO TRANSFER PRIVATE PLACEMENT,
VEROS SWITCH HOLDINGS, LLC, TO INVESTOR MEMBERS**

William E. Wendling, Jr., the Receiver herein, by counsel, respectfully requests the Court’s to amend its Order authorizing the Receiver to transfer Veros Switch Holdings, LLC Private Placement (hereinafter “Switch”), to its Investor Members (hereinafter “Investment Members”) [[Filing No. 222](#)] *only* as it relates to the payment of the \$19,712.86 to be retained by the Receiver. In support of this motion, the Receiver States:

1. On May 13, 2016, the Receiver filed his motion for authority to transfer Switch to the investor members [[Filing No. 221](#)]. In paragraph 11 on page 4 of the Motion, the Receiver

states that the “Receiver will retain the sum of \$19,712.86 from the Receivership bank account for Veros Switch Holdings, LLC and the balance of any funds in that account in total will be released to the Investment Members...” [[Filing No. 221, at ECF p. 4](#)]. On June 10, 2016, the Court granted the Receiver’s motion to transfer Switch and to retain the \$19,712.86 from the Receivership bank account. [[Filing No. 222](#)]. These references that the \$19,712.86 fee would be retained from the Receiver’s Switch bank account are incorrect as there are no funds in that account. In fact, there have been no funds in that account, and no payments have been made in that Private Placement since the Receiver took it over upon his appointment.

2. Attached as Exhibit A to the Receiver’s motion to transfer is the “Agreement and Release Regarding Management Fees” (“Release”) [[Filing No. 221-1](#)]. As set forth on page one of the Release, the \$19,712.86 in accrued fees is to be paid by the Company (Veros Switch Holdings, LLC) to the Receiver within ten (10) days after the execution of the Agreement. Both the Receiver’s Motion, and the Order refer to the Release and its terms.

3. Accordingly, the Receiver respectfully requests the Court to amend the Order Approving Receiver’s Motion to Transfer Private Placement to Investment Members [[Filing No. 222](#)] to state that the \$19,712.86 fee shall be paid to the Receiver by the Company, Veros Switch Holdings, LLC, within ten (10) days after the execution of the Termination by the Parties pursuant to the Release.

WHEREFORE, the Receiver, by counsel, requests that this Court enter an order amending its Order authorizing the Receiver to transfer Veros Switch Holdings, LLC Private Placement (hereinafter “Switch”), *only* as it relates to the payment of the \$19,712.86 and to state

that the \$19,712.86 fee shall be paid to the Receiver by the Company, Veros Switch Holdings, LLC, within ten (10) days after the execution of the Release by the Parties, and for all other proper relief.

Respectfully submitted,

By /s/Anne Hensley Poindexter

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Counsel for the Receiver

Certificate of Service

I hereby certify that on June 13, 2016, a copy of the foregoing ***Receiver's Motion to Amend Order Authorizing Receiver to Transfer Private Placement, Veros Switch Holdings, LLC, to Investor Members*** was filed electronically. Notice of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/Anne Hensley Poindexter

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**ORDER AMENDING JUNE 10, 2016, ORDER APPROVING
RECEIVER’S MOTION TO TRANSFER PRIVATE PLACEMENT,
VEROS SWITCH HOLDINGS, LLC, TO INVESTMENT MEMBERS**

WHEREAS this matter has come before this Court upon the Receiver’s Motion to Amend Order Authorizing Receiver to Transfer Private Placement, Veros Switch Holdings, LLC, to Investor Members, requesting the Court to amend that Order [[Filing No. 222](#)] *only* as it relates to the payment of the \$19,712.86 to be retained by the Receiver;

WHEREAS the Receiver states that in the original motion to transfer the Private Placement (Switch) the Receiver inadvertently stated that the \$19,712.86 fee would be retained from the Receiver’s bank account, when in fact there are, and never were, any funds in that account. Further, the Receiver should have stated, as set forth in the “Agreement and Release

Regarding Management Fees” attached as Exhibit A to the original motion [[Filing No. 211-1](#)], the \$19,712.86 in accrued fees is to be paid by the Company (Veros Switch Holdings, LLC) to the Receiver “[w]ithin ten (10) days after the execution of the Agreement by the Parties...”

WHEREAS the Court finds that the Receiver’s request to amend the June 10, 2016 Order approving the Receiver’s motion to transfer of the Veros Switch Holdings, LLC Private Placement *only* as it relates to the payment of the \$19,712.86 is reasonable.

IT IS THEREFORE ORDERED THAT the Court hereby amends its June 10, 2016 Order approving the Receiver’s motion to transfer of the Veros Switch Holdings, LLC Private Placement *only* as it relates to the payment of the \$19,712.86 and that pursuant to the Agreement and Release Regarding Management Fees attached as Exhibit A to the original motion to transfer Veros Switch Holdings, LLC to Investment Members [[Filing No. 221-2](#)], the \$19,712.86 in accrued fees is to be paid by the Company (Veros Switch Holdings, LLC) to the Receiver within ten (10) days after the execution by the parties of the Agreement and Release Regarding Management Fees.

Dated: _____

Honorable Jane Magnus-Stinson, Judge
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

Distribution:

All ECF-registered counsel of record via email generated by the court’s ECF system