

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,
YEAGER OF FRISCO 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 Yeager of Frisco LLC Private Placement (hereinafter “Yeager”), to its Investor Members (hereinafter “Investment Members”) [\[Filing No. 216\]](#) *only* as it relates to the payment of the \$108,000.00 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 Yeager to the investor members [\[Filing No. 210\]](#). In paragraph 11 on page 3 of the Motion, the Receiver

states that the “Receiver will retain the sum of \$108,000.00 from the Receivership bank account for Yeager of Frisco LLC and the balance of any funds in that account in total will be released to the Investment Members...” [[Filing No. 210, at ECF pp. 3-4](#)]. On May 26, 2016, the Court granted the Receiver’s motion to transfer Yeager and to retain the \$108,000.00 from the Receivership bank account. [[Filing No. 216](#)]. These references that the \$108,000.00 fee would be retained from the Receiver’s Yeager of Frisco 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 B to the Receiver’s motion to transfer is the “Termination of Intercreditor & Administrative Agent Agreement” (TIAAA) [[Filing No. 210-2](#)]. As set forth on page one of the TIAAA, the \$108,000.00 in accrued fees is to be paid by the Issuer (Yeager of Frisco, LLC) to the Receiver. Both the Receiver’s Motion, and the Order refer to the TIAA 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. 216](#)] to state that the \$108,000.00 fee shall be paid to the Receiver by the Issuer, Yeager of Frisco, within ten (10) days after the execution of the Termination by the Parties pursuant to the TIAA.

WHEREFORE, the Receiver, by counsel, requests that this Court enter an order amending its Order authorizing the Receiver to transfer Yeager of Frisco LLC Private Placement (hereinafter “Yeager”), *only* as it relates to the payment of the \$108,000.00 and to state that the

\$108,000.00 fee shall be paid to the Receiver by the Issuer, Yeager of Frisco, within ten (10) days after the execution of the Termination by the Parties pursuant to the TIAA, 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 Order Authorizing Receiver to Transfer Private Placement, Yeager of Frisco 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 MAY 26, 2016, ORDER APPROVING
RECEIVER’S MOTION TO TRANSFER PRIVATE PLACEMENT,
YEAGER OF FRISCO 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, Yeager of Frisco, LLC, to Investor Members, requesting the Court to amend that Order [[Filing No. 216](#)] *only* as it relates to the payment of the \$108,000.00 to be retained by the Receiver;

WHEREAS the Receiver states that in the original motion to transfer the Private Placement (Yeager) the Receiver inadvertently stated that the \$108,000.00 fee would be retained from the Receiver’s Yeager of Frisco 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 “Termination

of Intercreditor & Administrative Agent Agreement” (TIAAA) attached as Exhibit B to the original motion [[Filing No. 210-2](#)], the \$108,000.00 in accrued fees is to be paid by the Issuer (Yeager of Frisco, LLC) to the Receiver “within ten (10) days after the execution of the Termination by the Parties...for and on behalf of the Purchasers...”

WHEREAS the Court finds that the Receiver’s request to amend the May 26, 2016 Order approving the Receiver’s motion to transfer of the Yeager of Frisco LLC Private Placement *only* as it relates to the payment of the \$108,000.00 is reasonable.

IT IS THEREFORE ORDERED THAT the Court hereby amends its May 26, 2016 Order approving the Receiver’s motion to transfer of the Yeager of Frisco LLC Private Placement *only* as it relates to the payment of the \$108,000.00 and that pursuant to the Termination of Intercreditor & Administrative Agent Agreement attached as Exhibit B to the original motion to transfer Yeager of Frisco, LLC to Investment Members [[Filing No. 210-2](#)], the \$108,000.00 in accrued fees is to be paid by the Issuer (Yeager of Frisco, LLC) to the Receiver within ten (10) days after the execution by the parties of the Termination of Intercreditor & Administrative Agent Agreement.

Dated: _____

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

Distribution:

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