

ROBB EVANS
Receiver of
Asset Protection Group, Inc., et al.
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Federal Trade Commission v. Asset Protection Group, Inc., et al.
CASE No. 4:96 CV02225 SNL

Order;

- (1) Approving Receiver's Final Report and Accounting;**
- (2) Approving Turnover of Remaining Receivership Funds to Plaintiff Federal Trade Commission;**
- (3) Approving and Authorizing Payment of Receiver's and Counsel's Fees and Expenses from July 1, 2010 Through Closing;**
- (4) Discharging Receiver;**
- (5) Relieving Receiver of All Duties and Liabilities;**
- (6) Exonerating Receiver's Bond;**
- (7) Authorizing Abandonment and Destruction of Records and Deeming Abandoned any Unadministered Assets; and**
- (8) Granting any Other Relief Related to the Wind Up of the Estate**

Filed October 31, 2011

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|--|---|--------------------------------|
| FEDERAL TRADE COMMISSION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:96CV2225SNLJ |
| |) | |
| RICHARD C. NEISWONGER, ET. AL., |) | |
| |) | |
| Defendants. |) | |

ORDER

This matter is before the Court on the Receiver's motion for order: 1) approving the Receiver's final report and accounting; 2) approving turnover of remaining receivership funds to the plaintiff FTC; 3) approving and authorizing payment of Receiver's and counsel's fees and expenses from July 1, 2010 through closing; 4) discharging the Receiver; 5) relieving the Receiver of all duties and liabilities; 6) exonerating the Receiver's bond; 7) authorizing abandonment and destruction of records and deeming abandoned any unadministered assets; and 8) granting any other relief related to the wind-up of the estate [420], filed October 3, 2011. As of today's date, no interested party has filed a responsive pleading.

After a thorough and complete review of the court record, and in light of the lack of any interested party to file a responsive pleading or objections to the requests as set forth in the instant motion, the Court will grant the Receiver's motion [420] as follows:

1) the Receiver's Final Report and Accounting is approved and fees and costs are approved as follows:

- a) for the twelve-month period from July 1, 2010 through July 1, 2011:
 - Receiver and staff: total amount of fees and expenses \$41,585.45
 - McKenna lawfirm: total amount of legal fees and expenses \$37,413.68

Spencer Fane lawfirm: total amount of legal fees and expenses \$1609.25

Nevada local counsel: total amount of legal fees and expenses \$123.50

b) post-July 1, 2011 to date: fees and expenses \$35,819.17

c) TOTAL ACTUAL AND ESTIMATED FEES AND EXPENSES FROM JULY 1, 2010 THROUGH CLOSING (exclusive of asset preservation expenses): **\$116,551.05**

2) all funds remaining in the receivership estate after payment of all administrative expenses, including payment of the fees and expenses of the Receiver and his counsel, after wind up of the estate, in an amount presently estimated at approximately \$832,000.00, shall be turned over the FTC;

3) upon completion of the administration of the estate, including but not limited to payment of the administrative expenses and distribution of remaining estate assets,

a) the Receiver, his deputies, agents, employees, members, officers, independent contractors, attorneys, and representatives shall be discharged;

b) the Receiver, his deputies, agents, employees, members, officers, independent contractors, attorneys, and representatives shall be released from all claims and liabilities arising out of and/or pertaining to the receivership, including without limitation, all claims that were or could have been asserted concerning the Receiver's activities, including without limitations the activities reflected in the Final Report and Accounting;

c) the Receiver, his deputies, agents, employees, members, officers, independent contractors, attorneys and representatives shall be released from all duties and responsibilities pertaining to the receivership established in this cause of action (Case No. 4:96CV2225SNLJ); and

d) the Receiver's bond shall be exonerated.

4) upon completion of the administration of the estate, including but not limited to payment of the administrative expenses and distribution of remaining estate assets, the Receiver shall dispose of and/or destroy the records and all computer hard drives of the Receivership Defendant(s) in the Receiver's possession, custody or control, unless within thirty (30) days after entry of this Order, the Receiver has been served with a request by the FTC for possession of said records and/or hard drives or with a subpoena by a law enforcement agency for said records and/or hard drives, in which event the Receiver is authorized to turn over the original records and/or hard drives to the FTC or a law enforcement agency in response to the request or subpoena; and

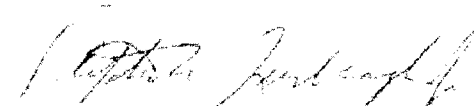
5) this Court shall retain jurisdiction for the purpose of ordering any other and further relief as may be reasonable or appropriate in connection with the wind-up and closure of the subject receivership estate.

Accordingly,

IT IS HEREBY ORDERED that the Receiver's notice of the instant motion [419] is deemed sufficient to apprise all interested parties of the filing of the instant motion.

IT IS FINALLY ORDERED that the Receiver's motion for order [420] be and is **GRANTED** as set forth above.

Dated this 31st day of October, 2011.



UNITED STATES DISTRICT JUDGE