

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE COMMISSION, §

Plaintiff, §

vs. §

Civil Action No.: 3:06-CV-2136-P

ABC VIATICALS, INC., §

C. KEITH LAMONDA, §

and JESSE W. LAMONDA, JR., §

Defendants §

and §

LAMONDA MANAGEMENT FAMILY §

LIMITED PARTNERSHIP, §

STRUCTURED LIFE SETTLEMENTS, INC., §

BLUE WATER TRUST, §

and DESTINY TRUST §

Relief Defendants. §

RECEIVER'S MOTION TO ADJUST "A" CLAIMS

TO THE HONORABLE JUDGE JORGE A. SOLIS, UNITED STATES DISTRICT JUDGE:

Comes now, Michael J. Quilling, the Receiver appointed in these proceedings ("Receiver") and files this Motion to Adjust "A" Claims. In support of this motion the Receiver would respectfully show the Court as follows:

1. On November 17, 2006, the Court appointed Michael J. Quilling to serve as Receiver in these proceedings and he has done so since that time.
2. On January 16, 2007, the Receiver filed a Motion to Establish Claim Procedure Plan and to Approve Claim Form, which Motion was granted by Order dated January 18, 2007.

Pursuant to paragraph 8 of the Order, the Receiver requests that the Court adjust each of the following claims for the reasons set forth below:

Death Benefit Claim

1. When ABC solicited investors, it represented that upon death of a given insured, the investor would receive a certain fixed amount. Upon receipt of the claim form from the Receiver, a number of investors submitted a claim for the entire amount they were told they would receive upon death of the insured as opposed to the amount of their actual investment. As set forth on Exhibit 1, there is 1 claim submitted for the entire amount of the death benefit which the Receiver has been unable to resolve by contact with the investor. Accordingly, the Receiver requests that the Court adjust the amount of the allowed claim to reflect only that amount which was actually invested by the investor as opposed to the anticipated amount to be received on death of the insured.

Accelerated Benefits Corp. Claims

2. Prior to beginning ABC, Defendants Keith LaMonda and Jess LaMonda operated a virtually identical entity called Accelerated Benefits Corp. Each of them have been tried and convicted of having operated a fraud with respect to Accelerated Benefits Corp. On occasion, Accelerated Benefits Corp. transferred portions of investors' money to ABC. Upon receipt of the claim form from the Receiver, a number of investors filed claims which reflected the total amount of money they invested with Accelerated Benefits Corp. instead of the amount that was transferred to ABC. In that ABC only received a portion of their invested funds, the Receiver requests the Court reduce each of those claims to the amount that was actually transferred to ABC.

Augmented Claims

3. From time to time, when ABC Viaticals, Inc. ("ABC") solicited and received investment funds from investors, they would intend to designate those funds to a specific policy having a specific return. Sometimes, the contemplated policy would have no room for additional investment, so the investment funds would be designated to a new policy. In some instances, the new policy had a lower return than the originally contemplated policy. In order to meet the investor's expected return based upon the originally contemplated policy, ABC, at the time the funds were assigned to a substitute policy, would increase or augment the amount of the investment so as to cover the reduced return. ABC would mail paperwork 'tentatively' matching the investor to a specific fund. When ABC discovered the policy was full, they would mail paperwork with the new policy designation and augment amount. In that regard, the investor did not actually invest the amount of the augmentation, nor did ABC actually receive the augmented amount. Additionally, it could appear the investor was matched to two separate policies, in effect doubling their investment when in fact the original funds were simply re-matched to the new policy. As reflected on Exhibit 1 attached hereto, there is 1 claim designated as having been augmented and which the Receiver has not been able to resolve by contact with the investor. Accordingly, the Receiver requests that the Court adjust the amount of the investment to reflect the actual amount invested with ABC.

WHEREFORE, premises considered, upon final consideration of this Motion, the Receiver requests that the Court adjust the claims as requested and for such other and further relief, general or special, at law or in equity, to which the Receiver may show himself justly entitled.

Respectfully submitted,

**QUILLING, SELANDER, CUMMISKEY
& LOWNDS, P.C.**

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By: /s/ Michael J. Quilling

Michael J. Quilling
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ATTORNEYS FOR RECEIVER

CERTIFICATE OF SERVICE

A copy of this pleading was served on all interested parties through the Court's electronic filing system and by U.S. Mail to:

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