

J.D. ZINK (SBN 58726)

REAL PARTY IN INTEREST

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In Pro Se

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

SECURITIES EXCHANGE COMMISSION, No. 2:07-cv-01724 GEB CMK

Plaintiff,

OPPOSITION TO MOTION
FOR AUTHORIZATION TO
ABANDON THE KIL-D-POLICY
POLICY

vs.

SECURE INVESTMENT SERVICES, INC.
AMERICAN FINANCIAL SERVICES, INC.
LYNDON GROUP, INC., DONALD E.
NEUHAUS, and KIMBERLY A. SNOWDEN,

Date: 6-30-08
Time: 9:00 a.m.
Courtroom 10

Defendants.

MEMORANDUM OF POINTS AND AUTHORITIES
IN OPPOSITION TO MOTION FOR AUTHORIZATION TO
ABANDON THE SHO-I(1) POLICY

J. D. ZINK, real party in interest and an investor in the KIL-D. policy, appearing here in pro per, files this opposition to the motion of the receiver for authorization to abandon the KIL-D. policy:

1. I, J. D. ZINK, am an attorney at law licensed to practice in the State of California and in the United States District Court for the Eastern District of California, and I am a the holder of a 6.667% interest in the KIL-D. policy as set

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1 forth in Exhibit 3 attached to the receiver's motion on file
2 herein. I am appearing in pro se.

3 2. After reviewing the motion and the receiver's
4 supporting papers, I see nowhere in that motion, a statement by
5 the receiver, of the present value of the Nine Hundred Twenty
6 Five Thousand dollar life insurance policy that the receiver
7 has designated the KIL-D. policy. Without knowing the value of
8 the policy, there is no way that this court can determine
9 whether or not the receiver's allegations are correct that "the
10 out of pocket costs to the receiver is about to exceed the
11 amount it will ever receive in death benefits." Without that
12 information, this court is unable to determine whether or not
13 it is more practical for the receiver to continue to borrow and
14 pay the premiums to keep the policy in force and effect rather
15 than abandon the policy.

16 3. Furthermore, no economic analysis has been
17 provided by the receiver done by a CPA or other expert,
18 indicating that it would not be prudent for the receiver to
19 continue to pay the premiums and repay any monies borrowed to
20 pay the premium out of the once the insured passes away.

21 4. Last but certainly not least is the fact that the
22 receiver has presented nothing to the court about the present
23 life expectancy of the insured in the Lincoln National Life
24 Insurance Policy No. 92252406, Insured: David C. Killary. As
25 of 4/09/01 Amscot Medical Lab, Inc. did a life expectancy
26 certificate stating that the date of birth was 4/20/25, age 76,
27 sex male, with primary diagnosis carcinoma of the prostate, S/P

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Radical Prostatection, Rheumatoid Arthritis. The review after that stated subject is a "76 year old male with rheumatoid arthritis, low grade activity, a history of cancer of the prostate and malignant melanoma. Given the age of subject, his medical problems, and associated risk factors (renal failure, hyperlipdema), life expectancy would be 48 months. Signed Dr. Irene Shayn, M.D., FACP. A copy of this Life Expectancy Certificate is attached hereto as Exhibit 1. It would appear that the subject is now a little over 83 years old and may have even more health problems than he did seven years ago. For all we know, his life expectancy might not be more than a month or two and he could even be in intensive care at present and could go at any moment. Certainly this is information that the receiver should provide to support his motion when this much money for so many investors is so critically involved.

5. In paragraph 12 of it's motion, the receiver "requests the court schedule an evidentiary hearing to allow a complete record to be developed which justifies the action requested by the receiver and to allow interested investors who hold ownership interests in the policy to present their positions to the court." Real party in interest, J. D. Zink concurs in this request, and indicates that the court should require the receiver to provide the aforementioned economic and actuarial evidence before reaching any conclusion.

Wherefore, real party in interest, J. D. Zink, requests that the court deny receiver's motion to abandon the KIL-D. policy until such time as proof has been provided to the

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

2 I am a resident of the County of Butte, State of
3 California. I am over the age of 18 years and not a part to
4 the within cause. My business address is 250 Vallombrosa Ave.,
5 Suite 175, Chico, California.

6 On June 12, 2008, I served the within OPPOSITION TO
7 MOTION FOR AUTHORIZATION TO ABANDON THE KIL-D. POLICY on all
8 interested parties through the Court's electronic filing
9 system. In addition, a copy of the Opposition to Motion was
10 served on the following investors named as owners of the KIL-D
11 Policy by placing a true copy thereof, enclosed in a sealed
12 envelope, with postage thereon fully prepaid, in the following
13 manner:

14 _x_ In the mailroom at my business address before
15 4:45 p.m., which is delivered by the mail clerk to the U. S.
16 Post Office in Chico, California,

17 SEE ATTACHED MAILING LIST

18 I declare under penalty of perjury under the laws of
19 the State of California that the foregoing is true and correct
20 and that this declaration was executed on June 12, 2008 at
21 Chico, California.

22
23 KATHY BRADFORD /s/

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AUTHORIZATION TO ABANDON THE
KIL-D POLICY

Bill & Mavis Hawk Family Trust 599 Circlewood Drive Paradise, CA 95969

Gordon L.K. Wong DDS, APDC Profit Sharing Plan 3575 Griffith Park Boulevard Los Angeles, CA 90027

The Est. of Jones Deceased

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Richard N. Batham 27 Dean Way Chico, CA 95926

c/o Joyce Marie Jones 415 Community Drive Roseville, CA 95678

Charles M. Coil 1 Trinity Lane Chico, CA 95928

Anne Vuthyanh Doan 762 Macklin Court San Jose, CA 95133

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