

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 14-80468-CV-MIDDLEBROOKS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

JCS ENTERPRISES, INC., et al.,

Defendants.

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**ORDER GRANTING RECEIVER'S MOTION FOR ENTRY OF AN  
ORDER AUTHORIZING SECOND (AND FINAL) INTERIM DISTRIBUTION**

THIS CAUSE comes before the Court upon the Receiver's Motion for Entry of an Order Authorizing Second (and Final) Interim Distribution, filed on March 29, 2021. (DE 465). No response has been filed.

The Court having reviewed the Motion and being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that:

1. The Motion (DE 465) is **GRANTED**.
2. The Receiver's proposed second distribution of \$1,300,000 under the rising tide distribution plan is **APPROVED**.
3. The Receiver is **AUTHORIZED** to make a second interim distribution in the amount of \$1,300,000 under the rising tide distribution plan to claimants with allowed claims and late claims, according to the amounts as described in Exhibit A to the Motion.
4. Any uncashed distribution checks may be deemed "unclaimed funds" and subject to return into the Receivership Estate's reserve.

5. The Receiver is also **AUTHORIZED** to use his discretion to issue and/or reissue checks to claimants who fail to timely cash checks for equitable reasons, such as if a claimant passes away, if a claimant moves, or if the Receiver determines a new address. Therefore, the Receiver is **AUTHORIZED** to issue and/or reissue checks to a deceased claimant's estate if the claimant passes away and if the Receiver receives written proof of death, such as a death certificate.

6. Regarding claimants who invested through an IRA, because the 10% tax is not being withheld from the subject second distribution, the Receiver is **AUTHORIZED** to withhold issuing distribution checks to such claimants until the claimants complete and sign a Form W4-P, *Withholding Certificate for Pension or Annuity Payments*.

7. The Receiver is **AUTHORIZED** to make a catch-up first interim distribution to claim no. 706, in the same manner as the previously approved first distribution.

8. The Receiver is **AUTHORIZED** to establish a reserve for the net funds remaining in the Receivership Estate after making the \$1,300,000 second distribution.

**SIGNED** in Chambers at West Palm Beach, Florida, this 16th day of April, 2021.



Donald M. Middlebrooks  
United States District Judge

cc: Counsel of Record