

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

SECURITIES AND EXCHANGE COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1:18-cv-01262
)	
TODD ELLIOTT HITT, ET. AL.,)	
)	
Defendants.)	
)	
UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 1:19-cr-43
)	
TODD ELLIOTT HITT,)	
)	
Defendant.)	
)	

{Proposed}

**ORDER GRANTING RECEIVER'S MOTION FOR APPROVAL OF
SUPPLEMENTAL SETTLEMENT, DISTRIBUTION PLAN AND INITIAL DISTRIBUTION**

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**ORDER GRANTING RECEIVER'S MOTION FOR
APPROVAL OF DISTRIBUTION PLAN AND OF INITIAL DISTRIBUTION**

Upon the motion dated January 17, 2020 (the "Motion") of Christopher L. Perkins, the Court-appointed receiver (the "Receiver") in the above-captioned case (the "Case"), seeking entry of this order (the "Order") (i) approving the Supplemental Settlement ("Supplemental Settlement") (attached hereto as Exhibit A); (ii) a plan (the "Plan")¹ (attached here as Exhibit B)¹ for the distribution of the assets of the Receivership Entities to holders of claims ("Claims") listed on Exhibit I to the Plan

(the "Claims Schedule") and (iii) authorizing an Initial Distribution as provided under the terms of the Plan; and it appearing that no other or further notice need be provided; and the Court

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¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Plan.

having reviewed the Motion and determined that the grounds set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY FOUND AND DETERMINED:

A. **Notice of Hearing and Bar Date.** The Receiver has given proper and sufficient notice of the Plan, the February 7, 2020 Hearing at which the Plan was considered, and the treatment of Claims under the Plan.

A.B. **Objections.** One objection to the Motion was filed, which objection has been resolved between the objecting party and the Receiver as evidenced in the Claims Schedule.

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B.C. **Settlement Approved.** The Supplemental Settlement is in the best interests of the Receivership Estates, the investor victims, and the creditors, and is reasonable, fair, and equitable.

C.D. **Fairness and Reasonability.** The Claims placed in each class in the Claims Schedule are substantially similar to other Claims in such Class. Valid business, factual, and legal reasons exist for separately classifying and treating the various Claims under the Plan. The Plan's classification and treatment of Claims in each Class, and the Plan as a whole, is fair and reasonable.

D.E. **Releases.** The Plan's provisions related to the releases granted in favor of the released parties are consistent with applicable law and are in the best interest of the Receivership Estate. All releases embodied in the Plan are a necessary and integral part of the Plan and are important to the overall objectives of the Plan to finally resolve all claims against or affecting the Receivership Estate.

Based upon the foregoing findings, and upon the record made before this Court at the hearing to approve the Plan, and good and sufficient cause appearing therefor,

IT IS HEREBY ORDERED:

1. The Motion is **GRANTED**.
2. The Plan is **APPROVED**.
3. The Supplemental Settlement is **APPROVED**.
4. The classification of Claims set forth in the Claims Schedule and treatment of such Claims under the Plan are **APPROVED**.
5. The Initial Distribution to Claimants of the funds held in Pool 1 (“Initial Distribution Amount”) is **AUTHORIZED**.
6. The releases set forth in the Plan are **APPROVED**.
7. The Initial Distribution Amount shall be apportioned among Holders of --Allowed Class 1 Claims on a pro rata basis from the funds in Pool 1.
8. After satisfaction in full of the Administrative Claims, taxes, and other expenses of the Receivership Estates, each Holder of an Allowed Class 2 Claim shall receive its pro rata share of the funds in Pool 2.
9. Nothing in this Order shall restrict the Receiver’s authority to compromise and settle any claim, or resolve any objection, at any time, as appropriate, without further order of this Court.
- 9,10. The Receiver shall file a Notice on the docket of the Effective Date of the Plan, which date shall occur after this Order becomes final and non-appealable.
- 10,11. The Distributions under the Plan shall be made from Available Cash held by the Receivership Entities. The Initial Distribution shall occur within 30 days of the Effective Date.

~~11.12.~~ All Distributions shall be made via check or wire transfer in accordance with the Plan. All funds represented by void checks not timely reissued shall be forfeited by the Claimant, revert to the Receivership Entities and be treated in accordance with the Plan.

~~12.13.~~ Any Claimant who receives a payment pursuant to the Plan shall be deemed to have released that portion of the Claim(s) for which payment was made in accordance with the Plan.

14. The Receiver may execute, deliver, file or record such documents, contracts, instruments, releases and other agreements, and take such other action as is reasonable, necessary, or appropriate to effectuate the transactions provided for in the Plan, without any further action by or approval of the Court. All transfers of property ownership in accordance with the terms of the Supplemental Settlement shall constitute valid transfers of ownership subject to existing liens and encumbrances.

~~13.15.~~ The Plan shall be binding on the Receiver, the Receivership Entities, and all holders of claims against the Receiver, the Receiver's Counsel, or the Receivership Entities, whether or not such claims have been timely asserted.

~~14.16.~~ The Plan shall not be construed to constitute advice on the tax, securities, and other legal effects of the Plan as to claims against the Receivership Entities.

~~15.17.~~ The Court retains jurisdiction over the matters set forth in the Plan and enforcement of the Plan's provisions.

Dated: _____, 2020

UNITED STATES DISTRICT JUDGE