

**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.)	
)	

**MOTION TO APPROVE RECEIVER /SPECIAL
MASTER’S RECOMMENDED PLAN OF RESTITUTION AND DISTRIBUTION**

Christopher L. Perkins, the court-appointed Receiver/Special Master in the above-captioned proceedings (“**Movant**”), pursuant to this Court’s October 15, 2018 and February 23, 2019 Orders, respectfully moves this Court for entry of an Order approving the Receiver’s Recommended Plan of Restitution and Distribution (“**Plan**”).

1. On October 4, 2018, the United States commenced a criminal case by filing a Complaint for securities fraud against Hitt.

2. On October 5, 2018, the Securities and Exchange Commission (“SEC”) commenced the civil case by filing a Complaint for securities fraud against Hitt individually, and against Kiddar Capital LLC and Kiddar Group Holdings, Inc. corporate defendants, for violations of federal securities laws. Among the entities named as Relief Defendants were Kiddar Herndon Station, LLC, Kiddar Homebuilding Fund I, LLC, Melbuorne Retreat LLC, Kiddar Mass Ave LLC, Kiddar Ridgeview LLC, ESA Emerson LLC, ESA Highwood LLC, and Kiddar AQ, LLC a/k/a Kiddar Aquicore LLC.

3. By Order dated October 12, 2018, this Court appointed Bruce H. Matson as Receiver in the civil case (the “Receivership Order”) establishing the estates of the various defendants and vesting the Receiver with certain general powers and duties.

4. On February 13, 2019, this Court appointed the Receiver as Special Master in the criminal case (“Special Master Order”) extending the Receiver’s general powers and duties under the Receivership Order to include other Hitt-related investments as well as Hitt’s personal property, and directing the Special Master to fashion a proposed restitution order.

5. In furtherance of his duties under the Receivership Order and the Special Master Order, the Receiver has liquidated the majority of the assets of the estates, analyzed and resolved the bulk of the claims asserted against the estates, and has determined a recommended course of action for distribution of estate funds to investor victims and creditors (“Plan”).

6. The particulars of the Movant’s Plan are contained in the accompanying Memorandum in Support of the Motion. The Movant submits the Plan is consistent with the terms of the orders appointing him as well as applicable law, is fair and reasonable, and both maximizes and prioritizes the recoveries to claimants.

7. Notice of the Motion, Memorandum in Support, and the Plan are being served as follows:

- *Notice by Electronic Mail and Regular Mail.* The Receiver will serve this Motion on all known claimants and their counsel by electronic mail, and by regular mail (to the extent both addresses are known).
- *Notice by Publication.* The Receiver will also publish notice on his dedicated receivership website maintained by American Legal Claims.
- *Notice upon Inquiry.* Finally, the Receiver proposes to promptly provide a copy of this Motion to any claimant who makes a written request for such documents to the Receiver, the Receiver's legal counsel or the Receiver's electronic mail address: Kiddar@americanlegal.com, or physical addresses.

WHEREFORE, for the reasons stated herein and in the accompanying Memorandum in Support of the Motion, the Movant respectfully requests that the Court enter an order approving the Plan, and granting such other relief as is appropriate.

Dated: January 17, 2020

CHRISTOPHER L. PERKINS,
RECEIVER AND SPECIAL MASTER

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January 2020, a true and correct copy of the foregoing was filed with the Court through the Clerk's CM/ECF filing system and served on all persons receiving electronic notice in this case, and/or by first-class mail, postage prepaid, to all parties listed below:

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