

**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, KIDDAR)	
CAPITAL LLC, and KIDDAR GROUP)	
HOLDINGS, INC.,)	
)	
Defendants,)	
)	
and)	
)	
KIDDAR HERNDON STATION LLC,)	
KIDDAR HOMEBUILDING FUND I,)	
LLC, MELBOURNE 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,)	
)	
Relief Defendants.)	
)	

**NOTICE OF CLAIMS BAR DATE AND
PROCEDURES FOR SUBMITTING PROOFS OF CLAIM**

TO: ALL CLAIMANTS OF KIDDAR CAPITAL LLC, KIDDAR GROUP HOLDINGS, INC., KIDDAR HOMEBUILDING FUND I LLC, MELBOURNE 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.

PLEASE TAKE NOTICE OF THE FOLLOWING;

On December 14, 2018, the United States District Court for the Eastern District of Virginia (the “**District Court**”) entered an Order in the above-captioned case (the “**Claims Bar Date Order**”) establishing **January 28, 2019 at 5:00 p.m. (Eastern Standard Time)** as the deadline (the “**Bar Date**”) for certain claimants to submit a completed and signed Creditor Proof of Claim Form under penalty of perjury, together with supporting documentation, against the following entities: Kiddar Capital LLC, Kiddar Group Holdings, Inc., Kiddar Homebuilding Fund I LLC, Melbourne Retreat LLC, Kiddar Mass Ave LLC, Kiddar Ridgeview LLC, ESA Emerson LLC, ESA Highwood LLC, and Kiddar AQ LLC also known as Kiddar Aquicore LLC (collectively, the “**Receivership Defendants**”).

1. WHAT IS THE BAR DATE?

The Bar Date is the date by which the individuals and entities described below must submit a Creditor Proof of Claim Form with the Receiver in the manner indicated below. The Bar Date is **January 28, 2019 at 5:00 p.m. (Eastern Standard Time)**, and all Proof of Claim Forms must be actually received by the Receiver on or before that deadline. Claimants who submit Creditor Proof of Claim Forms by courier service, overnight service, hand delivery or electronic mail should retain a copy of their bill of lading or other proof of delivery of their Proof of Claim Form. Please note that any Creditor Proof of Claim Form submitted after the Bar Date will be subject to disallowance, which means that you will not receive any distribution from the Receiver or the Receivership Defendants.

2. WHO NEEDS TO SUBMIT A CREDITOR PROOF OF CLAIM FORM?

A “Creditor Claim” is defined as: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, mature, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, against one or more of the Receivership Defendants; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right of payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, mature, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, against one or more of the Receivership Defendants. All persons or entities (including, without limitation, individuals, partnerships, corporations, joint ventures, estates, trusts and governmental units) that hold a Creditor Claim shall file a Creditor Proof of Claim Form, unless otherwise expressly stated herein, regardless of whether the Claim at issue has been previously acknowledged by the Receiver or whether the Claim at issue is held with or through any person or entity or based on primary, secondary, direct, indirect, secured, unsecured or contingent liability.

Holders of claims that arose after October 12, 2018 including “Administrative Claimants” that provided goods or services to the Receivership Defendants or the Receiver at the request of the Receiver after the Receiver was appointed on October 12, 2018 are not required to submit a Proof of Claim Form prior to the Bar Date.

This notice is being sent to many persons and entities that have had some relationship or have done business with the Receivership Defendants. The fact that you have received this notice does not necessarily mean that you are a Claimant, that you have a valid claim, or that the District Court or the Receiver believes you have a claim against the Receivership Defendants.

3. DO I NEED TO SUBMIT A CREDITOR PROOF OF CLAIM FORM IF I HAVE PREVIOUSLY SUBMITTED EVIDENCE OF A CLAIM TO THE RECEIVER?

Yes. A Claimant that previously has submitted evidence of a Claim with the Receiver must submit a Creditor Proof of Claim Form evidencing such Claim in order to be entitled to receive a distribution from any of the Receivership Defendants.

4. WHAT ARE THE CONSEQUENCES OF NOT SUBMITTING A CREDITOR PROOF OF CLAIM FORM?

ANY CLAIMANT WHO IS REQUIRED TO SUBMIT A PROOF OF CLAIM FORM, BUT THAT FAILS TO DO SO IN A TIMELY MANNER, WILL BE FOREVER BARRED, ESTOPPED, AND ENJOINED TO THE FULLEST EXTENT ALLOWED BY APPLICABLE LAW FROM ASSERTING, IN ANY MANNER, SUCH CLAIM AGAINST THE RECEIVERSHIP DEFENDANTS AND THEIR RESPECTIVE PROPERTY OR ESTATES; WILL NOT BE PERMITTED TO OBJECT TO ANY DISTRIBUTION PLAN PROPOSED BY THE RECEIVER ON ACCOUNT OF SUCH CLAIM; WILL BE DENIED ANY DISTRIBUTIONS UNDER ANY DISTRIBUTION PLAN IMPLEMENTED BY THE RECEIVER ON ACCOUNT OF SUCH CLAIM; AND WILL NOT RECEIVE ANY FURTHER NOTICES ON ACCOUNT OF SUCH CLAIM. FURTHER, THE RECEIVERSHIP DEFENDANTS AND THEIR RESPECTIVE PROPERTY OR ESTATES WILL BE DISCHARGED FROM ANY AND ALL INDEBTEDNESS OR LIABILITY WITH RESPECT TO SUCH CLAIM.

5. WHERE CAN I GET A COPY OF THE CREDITOR PROOF OF CLAIM FORM?

For your convenience, enclosed with this notice is the Creditor Proof of Claim Form. Copies of the Creditor Proof of Claim Form is also available at www.americanlegal.com/kiddar. Additional information can be found on the Receiver's website at www.americanlegal.com/kiddar. The Receiver will also provide this notice and Creditor Proof of Claim Form to any potential Claimant who makes a written request for such documents to (a) the e-mail address kiddar@americanlegal.com; (b) **if by US Mail:** Bruce H. Matson, Court-appointed Receiver, c/o ALCS, P.O. Box 23650, Jacksonville, FL 32241-3650; or (c) **if by Hand, Courier, or Overnight Service:** Bruce H. Matson, Court-appointed Receiver, c/o ALCS, 8021 Philips Highway, Suite 1, Jacksonville, FL 32256.

6. HOW DO I SUBMIT MY CREDITOR PROOF OF CLAIM FORM?

A completed and signed Creditor Proof of Claim Form, together with supporting documentation, must be submitted to the Receiver, so as to be actually received no later than **January 28, 2019 at 5:00 p.m. (Eastern Standard Time)**.

Creditor Proof of Claim Form must be submitted to the Receiver (a) **if by US Mail:** Bruce H. Matson, Court-appointed Receiver, c/o ALCS, P.O. Box 23650, Jacksonville, FL 32241-3650; (b) **if by Hand, Courier, or Overnight Service:** Bruce H. Matson, Court-appointed Receiver, c/o ALCS, 8021 Philips Highway, Suite 1, Jacksonville, FL 32256; or (c) by electronic mail, as an attachment in portable document format (.pdf) to kiddar@americanlegal.com. Proof of Claim Forms should not be filed with the District Court and any Proof of Claim Forms so filed with not be considered properly submitted.

You must identify, in the Proof of Claim Form, the Receivership Defendant(s) against which you are asserting a Claim(s) if such information is available to you. However, you may submit separate Proof of Claim Forms against more than one or all of the Receivership Defendants if, based upon a reasonable investigation, you believe that you hold a Claim against those Receivership Defendants or are unsure which Receivership Defendant you hold a Claim against.

7. SUPPORTING DOCUMENTS

Please attach to your Creditor Proof of Claim Form documents, including any electronic data (including copies of emails and other electronic data) that support your Creditor Proof of Claim Form. Such documentation may include, but is not limited to: copies of personal checks, cashier's checks, wire transfer advices, account statements and other documents evidencing the investment or payment of funds; any written contract or agreement made in connection with any investment in or with any Receivership Defendant; copies of all agreements, promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, or evidence of perfection of liens; and other documents evidencing the amount and basis of the Claim. **DO NOT SEND ORIGINAL DOCUMENTS.** If such supporting documentation is not available, please explain why in an addendum that is attached to your Proof of Claim Form.

Please do not submit the following types of materials with a Creditor Proof of Claim Form unless requested by the Receiver: (1) marketing brochures and other marketing materials received from Receivership Defendants; (2) routine or form correspondence received from Receivership Defendants; (3) copies of pleadings on file in any case involving the Receiver or the Receivership Defendants; and (4) other documents received from Receivership Defendants that do not reflect Claimant specific information concerning the existence or value of a Claim.

8. REQUESTS FOR ADDITIONAL INFORMATION AND INTERVIEWS

If after receiving a Creditor Proof of Claim, the Receiver determines that he needs additional information to review and process a Claim, the Receiver may contact the Claimant by telephone or email to request such additional information from the Claimant. A Claimant shall submit to an interview by the Receiver if the Receiver, in his discretion requests an interview to facilitate processing of the Claimant's Claim.

9. COOPERATION

The Court has directed all parties and Claimants to cooperate with the Receiver to the maximum extent possible to achieve swift resolution of disputes concerning Claims. **ALL CLAIMANTS SHOULD UNDERSTAND THAT THE AMOUNT OF ANY RECOVERY IS UNKNOWN AT THIS TIME AND MAY BE LESS THAN THE VALUE OF ANY ASSERTED CLAIM.**

10. RESERVATION OF RIGHTS

The Receiver reserves the right to dispute, or assert offsets or defenses as to the nature, amount, liability, classification, or otherwise against, any amounts asserted in any Creditor Proof of Claim Form. Nothing set forth in this notice or the Proof of Claim Form shall provide the Receiver from objecting to any Proof of Claim Form, on any grounds.

Dated this 21st day of December, 2018

BY ORDER OF THE HONORABLE THERESA
CARROLL BUCHANAN, UNITED STATES DISTRICT
COURT JUDGE

/s/ Bruce H. Matson
Bruce H. Matson, Court-appointed Receiver

PROOF OF CLAIM IS TO BE FILED WITH RECEIVER -- DO NOT FILE WITH COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

SECURITIES AND EXCHANGE COMMISSION,)
Plaintiff,)
v.)
TODD ELLIOTT HITT, KIDDAR CAPITAL LLC,)
and KIDDAR GROUP HOLDINGS, Inc.,)
Defendants and)
KIDDAR HERNDON STATION LLC, KIDDAR)
HOMEBUILDING FUND I LLC, MELBOURNE)
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,)
Relief Defendants.)

Case No. 1:18-cv-01262

FOR RECEIVER'S USE ONLY

Claim No.: _____

Date of Claim: ____ / ____ / ____¹

PROOF OF CLAIM FORM

Please Type or Print in the Boxes Below
Do NOT use Red Ink, Pencil, or Staples

PART I: CLAIMANT IDENTIFICATION

Name of Individual (Last, First) or Entity

If Entity, Name (Last, First) of Individual Completing Form on behalf of Entity

Title

Street Address

City

State

Zip Code

Foreign Province

Foreign Postal Code

Foreign Country Name/Abbreviation

Telephone Number (Primary)

____ - ____ - ____

Telephone Number (Alternate)

____ - ____ - ____

Email Address

Type of Claim:

(check all that apply)

☐ Trade Vendor

☐ Service Provider

☐ Employee

☐ Government/Taxing Authority

☐ Investor

☐ Other _____

¹ For Claims sent by regular mail, "Date of Claim" means: (i) for Claims sent by regular mail, the date shown on the official postmark on the Proof of Claim Form envelope; (ii) for Claims sent by hand delivery or courier, the date the Receiver actually received the Proof of Claim Form; and (iii) for Claims sent by electronic mail, the date that the email was transmitted as determined by the time stamp given to the email by the Claimant's email provider.

PART II: CLAIM

AMOUNT OF CLAIM: _____

(if your claim is based on equity or other interest(s) and is not subject to specific valuation, please include such information in the "Specific Grounds for Claim" box below)

****Attach all supporting documentation****

DATE CLAIM INCURRED: _____

- | | | |
|---|---|--|
| <input type="checkbox"/> Kiddar Capital LLC | <input type="checkbox"/> Melbourne Retreat LLC | <input type="checkbox"/> ESA Emerson LLC |
| <input type="checkbox"/> Kiddar Group Holdings, Inc. | <input type="checkbox"/> Kiddar Mass Ave LLC | <input type="checkbox"/> ESA Highwood LLC |
| <input type="checkbox"/> Kiddar Homebuilding Fund I LLC | <input type="checkbox"/> Broad & Washington LLC | <input type="checkbox"/> Kiddar AQ LLC (Kiddar Aquicore) |
| | <input type="checkbox"/> Kiddar Ridgeview LLC | <input type="checkbox"/> Other: _____ |

Specific Grounds for Claim (attach additional sheet(s), if necessary). _____

☐ **Secured Claim.** Check this box if you contend that your claim is subject to a security interest. Attach copies of all documents that evidence the claim of secured status, including, but not limited to, promissory notes, mortgages, security agreements, and evidence of perfection of lien.

Asserted Value of Collateral:

\$ _____ . 00

Description of Collateral:

If Court Judgment, Date Obtained:

____ / ____ / _____

If Legal Action Pending, Date Commenced, Court Name, and Case No.:

____ / ____ / _____

Claim Status.

☐ Check box if you are aware that anyone else has filed a Proof of Claim Form relating to your Claim. (Attach statement giving particulars.)

☐ Check box if the address entered on this form differs from the address on the envelope sent to you by the Receiver (if you received this form via mail).

Check here if this Proof of Claim:

- ☐ Amends
☐ Replaces
☐ Supplements a previously filed Proof of Claim Form, dated: _____

**YOU MUST READ AND SIGN THE RELEASE AND THE CERTIFICATE OF TRUTHFULNESS OF PAGE 3.
FAILURE TO SIGN THE RELEASE AND THE CERTIFICATE OF TRUTHFULNESS MAY RESULT IN A
DELAY IN PROCESSING OR THE REJECTION OF YOUR CLAIM.**

SUPPORTING DOCUMENTATION: Please attach to your Proof of Claim Form only documents (including copies of emails and other electronic data) that support your Proof of Claim Form. Such documentation may include, but is not limited to: copies of personal checks, cashier's checks, wire transfer advices; account statements and other documents evidencing the investment or payment of funds; any written contract or agreement made in connection with any investment in or with any Receivership Entity; a chronological accounting of all money received by the Claimant from any Receivership Entity or the Receiver, whether such payments are denominated as the return of principal, interest, commissions, finder's fees, sponsor payments, or otherwise; copies of all documentation and records reflecting or regarding any withdrawals ever made by or payments received by the Claimant from any Receivership Entity or the Receiver; copies of all agreements, promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, or evidence of perfection of lien; and other documents evidencing the amount and basis of the Claim. **DO NOT SEND ORIGINAL DOCUMENTS.** If such documentation is not available, please attach an explanation of why the documents are not available.

Please do not submit the following types of materials with a Proof of Claim Form unless requested by the Receiver: (1) marketing brochures and other marketing materials received from the Receivership Entities; (2) routine or form correspondence received from the Receivership Entities; (3) copies of pleadings on file in any case involving the Receiver or the Receivership Entities; and (4) other documents received from Receivership Entities that do not reflect Claimant specific information concerning the existence or value of a Claim.

VERIFICATION OF CLAIMS: All Proof of Claim Forms submitted are subject to verification by the Receiver and approval by the Court. It is important to provide complete and accurate information to facilitate this effort. Claimants must be willing to submit to an interview and may be asked to supply additional information to complete the claims process.

CONSENT TO JURISDICTION: By submitting your Proof of Claim Form, you consent to the jurisdiction of the United States District Court for the Eastern District of Virginia for all purposes and agree to be bound by its decisions, including, without limitation, a determination as to the validity and amount of any Claims asserted against the Receivership Entities. In submitting your Proof of Claim Form, you agree to be bound by the actions of the United States District Court for the Eastern District of Virginia even if that means your Claim is limited or denied.

CERTIFICATE OF TRUTHFULNESS: Pursuant to 28 U.S.C. § 1746, I, the undersigned, hereby certify, **under penalty of perjury under the laws of the United States of America**, that all of the information provided in this Proof of Claim Form, including all Schedules and attachments to the Proof of Claim, is true and correct and that the undersigned is authorized to make this Claim.

(Sign your name here)

(Date)

(Type or print your name here)

(Capacity of person(s) signing)

Submit your Proof of Claim Form and supporting documentation to the Receiver: (1) by mail to Bruce H. Matson, Court-appointed Receiver, c/o ALCS, P.O. Box 23650, Jacksonville, Florida 32241-3650, (2) by courier service, overnight service or hand delivery to Bruce H. Matson, Court-appointed Receiver, c/o ALCS, 8021 Philips Highway, Ste 1, Jacksonville, Florida 32256; or (3) by electronic mail, as an attachment in portable document format (.pdf), to kiddar@americanlegalclaims.com.

Reminder Checklist

1. Please sign the above declaration.
2. Remember to attach supporting documentation, if available.
3. Keep a copy of your claim form and all supporting documentation for your records.
4. If your contact information changes, please send the Receiver updated information.